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15 (*Additional Counsel Listed on Signature Page*)

16 Attorneys for all Plaintiffs, individually and on  
17 behalf of all those similarly situated

18 **UNITED STATES DISTRICT COURT**

19 **NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

20 AARON SENNE, et al., Individually and on  
Behalf of All Those Similarly Situated,

21 Plaintiffs,

22 vs.

23 OFFICE OF THE COMMISSIONER OF  
24 BASEBALL, an unincorporated association  
doing business as MAJOR LEAGUE  
25 BASEBALL; et al.;

26 Defendants.

CASE NO. 3:14-cv-00608-RS

**CLASS ACTION**

**STIPULATION AND ~~[PROPOSED]~~  
ORDER TOLLING FLSA CLAIMS**

1 Plaintiffs and Defendants (“the Parties”), by and through their respective counsel, enter into  
2 the following stipulation.

3 WHEREAS, Plaintiffs, former minor league baseball players, filed this action in the United  
4 States District Court for the Northern District of California, alleging, among other things, that  
5 Defendants failed and continue to fail to meet the requirements of the Fair Labor Standards Act  
6 (“FLSA”) in their treatment of Plaintiffs;

7 WHEREAS, Plaintiffs seek to bring a nationwide FLSA collective on behalf of those  
8 similarly-situated minor leaguers;

9 WHEREAS, Defendants deny engaging in the unlawful activities alleged by Plaintiffs under  
10 the FLSA and deny that certification of any class or collective action is appropriate;

11 WHEREAS, the Parties await resolution of a Motion to Dismiss for Lack of Personal  
12 Jurisdiction, filed by certain Defendants, and a Motion to Transfer Venue, filed by other Defendants  
13 (the “Defendants’ Pending Motions”) on May 23, 2014;

14 WHEREAS, the Initial Case Management Conference was held on July 11, 2014;

15 WHEREAS, the Parties agree that Plaintiffs will not move for conditional certification of the  
16 proposed FLSA collective until resolution of the Defendants’ Pending Motions;

17 THEREFORE, the Parties stipulate and agree as follows:

18 **STIPULATION AND AGREEMENT**

- 19 1. Plaintiffs will not move for conditional certification of the proposed FLSA collective until  
20 resolution of the Defendants’ Pending Motions.
- 21 2. The Parties will continue to meet and confer on the briefing schedules for any motion for  
22 conditional certification and for any motion for class certification under state laws.
- 23 3. The Plaintiffs will not request, through interrogatories or other discovery mechanisms, the  
24 contact information for similarly-situated minor leaguers before resolution of Defendants’  
25 Pending Motions.
- 26 4. The statute of limitations under the FLSA applicable to all current or former similarly-situated  
27 minor leaguers shall be tolled from July 11, 2014 until 45 days after the Court’s resolution of  
28

1 both of the Defendants' Pending Motions. In the event the Court resolves one motion before  
2 the other, tolling will continue until 45 days after the later resolution.

3 5. This Stipulation is without prejudice to Plaintiffs moving the Court, pursuant to the doctrine  
4 of equitable tolling, to toll the FLSA statute of limitations for periods before July 11, 2014 or  
5 after the end of the tolled period. Yet Plaintiffs agree not to use Defendants' Pending Motions  
6 as a basis for moving for equitable tolling. Defendants reserve the right to oppose any such  
7 request.

8 6. Except as expressly set forth in this Stipulation, this Stipulation does not constitute a waiver of  
9 Plaintiffs' or Defendants' legal positions, rights, or remedies, including any defense under any  
10 statute of limitations or any other defense relating to the passage of time.

11 7. This Stipulation is not intended as an admission by any Party that any other Party has or does  
12 not have a valid claim or defense.

13 8. This stipulation is also without prejudice to the Parties reaching further agreement about  
14 additional tolling.

15 DATED: September 30, 2014

Respectfully submitted,

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~~[Proposed]~~ Order

The foregoing stipulation is approved, and IT IS SO ORDERED.

Dated: 10/1/14



Hon. Richard Seeborg  
United States District Court Judge