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 12 FEDEX GROUND PACKAGE SYSTEM, INC.

13 UNITED STATES DISTRICT COURT
 14 CALIFORNIA NORTHERN DISTRICT
 15 SAN JOSE DIVISION

16 MENDES, et al.,
 17 Plaintiffs,
 18 v.
 19 FEDEX GROUND PACKAGE SYSTEM,
 20 INC.,
 21 Defendant.

Case No. 4:14-cv-03826-SI

**STIPULATION AND ~~PROPOSED~~ ORDER
 TO AMEND COMPLAINT**

Complaint Filed: August 22, 2014
 Judge: Hon. Susan Illston

22 Plaintiffs Costaneira Transport, Inc., KR Express, Inc., Hiram Mendes, and Kim Raney
 23 (collectively, "Plaintiffs") and Defendant FedEx Ground Package System, Inc. ("Defendant"), by
 24 and through their respective attorneys of record have met and conferred and agreed to the
 25 following stipulation:

- 26 (1) Plaintiffs filed their initial Complaint in this action on August 22, 2014.
- 27 (2) Defendant filed its Motion to Dismiss Plaintiffs' Complaint pursuant to Federal
 28 Rule of Civil Procedure ("FRCP") 12(b)(6) on October 17, 2014.
- (3) In view of the arguments raised in Defendant's motion, Plaintiffs wish to amend
 their Complaint. A redlined version of Plaintiffs' proposed First Amended Complaint is attached
 as Exhibit A. Defendant does not object to the filing of the proposed amended complaint.

1 (4) Plaintiffs will file their First Amended Complaint by November 21, 2014.

2 (5) This stipulation is without prejudice to Defendant's right to challenge the
3 sufficiency of the allegations of the First Amended Complaint by means of a motion pursuant to
4 FRCP 12(b)(6), or otherwise. Defendant will withdraw its pending Motion to Dismiss the
5 original Complaint as moot.

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7 **IT IS SO STIPULATED.**

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Dated: November 14, 2014

SCHIFF HARDIN LLP

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By: /s/ William J. Carroll

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WILLIAM J. CARROLL
LINDSEY N. BERG
Attorneys for Defendant
FEDEX GROUND PACKAGE SYSTEM,
INC.

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Dated: November 14, 2014

THE JAFFE LAW FIRM

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By: /s/ Stephen R. Jaffe

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STEPHEN R. JAFFE
BAILEY K. BIFOSS
Attorneys for Plaintiffs
COSTANEIRA TRANSPORT, INC., KR
EXPRESS, INC., HIRAM MENDES, and
KIM RANEY

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CERTIFICATION OF COMPLIANCE WITH N.D. L.R. 5.1(i)(3)

I hereby certify that pursuant to N.D. Cal. L.R. 5.1(i)(3), I have obtained authorization from the above signatories to file the above-referenced document, and that the above signatories concur in the filing's content.

I certify under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Dated: November 14, 2014

SCHIFF HARDIN LLP

By: */s/ William J. Carroll*

WILLIAM J. CARROLL
Attorneys for Defendant
FEDEX GROUND PACKAGE SYSTEM,
INC.

PURSUANT TO THE PARTIES' STIPULATION, IT IS HEREBY ORDERED:

(1) Plaintiffs are granted leave to file the proposed First Amended Complaint by November 21, 2014.

Dated: 11/17/14



HON. SUSAN ILLSTON