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16 Attorneys for Plaintiff
 17 JUAN SARA VIA

18 UNITED STATES DISTRICT COURT
 19 NORTHERN DISTRICT OF CALIFORNIA

21 JUAN SARA VIA, individually and on
 22 behalf of all others similarly situated,

23 Plaintiffs,

24 v.

25 DYNAMEX OPERATIONS WEST, LLC,

26 Defendants.

Case No. 3:14-CV-05003-WHA

STIPULATION AND ~~PROPOSED~~ ORDER

Re Certain Plaintiffs' Donations
 to Cy Pres Beneficiaries

Complaint Filed: November 12, 2014

1 Since the Court’s final approval order of April 7, 2017 [ECF 274], Plaintiffs
2 Kohsuwan and Prommi have agreed to donate their settlement shares to the *cy pres* beneficiaries in
3 this case, to be distributed under the terms of the present collective action settlement. A fully
4 executed stipulation pertaining to Mr. Kohsuwan is attached hereto as **Exhibit A**. A fully executed
5 stipulation pertaining to Mr. Prommi is attached hereto as **Exhibit B**.

6 As summarized by the stipulations, Plaintiffs Kohsuwan and Prommi are named
7 plaintiffs in a separate class action against Dynamex, *Charintorn Kohsuwan, Phairat Prommi,*
8 *Gustavo Menacho, individually and on behalf of others similarly situated v. Dynamex Inc., and*
9 *DOES 1-10, inclusive (“Kohsuwan v. Dynamex”)*, Case No. 30-2012-00594430-CU-OE-CXC
10 (Superior Court of California, County of Orange), which recently settled. The April 3, 2017 court
11 order which granted the Joint Stipulation Re Settlement And Dismissal Of Class Claims in
12 *Kohsuwan v. Dynamex* is attached hereto as **Exhibit C**.

13 Mr. Kohsuwan and Mr. Prommi are making their donations in connection with a
14 settlement agreement and release they recently made in *Kohsuwan v. Dynamex*, which came to both
15 counsels’ attention in this case after the Court’s final approval order. Mr. Kohsuwan’s and Mr.
16 Prommi’s releases in the *Kohsuwan v. Dynamex* settlement explicitly cover their claims in this
17 collective action settlement and their donations are intended to honor those releases while ensuring
18 that Dynamex still pays the total settlement amount in this collective action. Mr. Kohsuwan’s and
19 Mr. Prommi’s donations do not affect the release pertaining to them or any other plaintiff in this
20 case, do not diminish the total amount that Dynamex will need to pay under the terms of the
21 collective action settlement agreement, and do not change any other term of the collective action
22 settlement approved by this Court.

23 Accordingly, the Parties hereby respectfully request that the Court approve the
24 stipulations and designate Plaintiff Kohsuwan’s and Plaintiff Prommi’s settlement amounts in the
25 present case to the *cy pres* beneficiaries.

1 Dated: April 19, 2017

LITTLER MENDELSON, P.C.

2
3 /s/Perry Miska

4 ROBERT G. HULTENG
5 AURELIO J. PÉREZ
6 LAUREN E. MEYERHOLZ
7 PERRY K. MISKA

8 Attorneys for Defendant
9 DYNAMEX OPERATIONS WEST, LLC

10 Dated: April 19, 2017

SCHNEIDER WALLACE COTTRELL
KONECKY WOTKYNS LLP

11 /s/Joshua Konecky

12 TODD M. SCHNEIDER
13 JOSHUA G. KONECKY
14 NATHAN B. PILLER

15 Attorneys for Plaintiffs
16 CHARINTORN KOHSUWAN and PHAIRAT
17 PROMMI

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19 **PURSUANT TO STIPULATION**, Plaintiff Charintorn Kohsuwan’s and Plaintiff
20 Phairat Prommi’s portions of the settlement amount in *Saravia v. Dynamex* shall be paid to the *cy*
21 *pres* designated in the Amended Joint Stipulation Of Settlement And Release [Dkt. No. 250].

22 **IT IS SO ORDERED.**

23 DATED: April 24, 2017.

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26 HONORABLE WILLIAM ALSUP
27 UNITED STATES DISTRICT COURT JUDGE

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