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15 Attorneys for Defendants
LANDRY’S, INC., and McCORMICK & SCHMICK
16 RESTAURANT CORP.

17 IN THE UNITED STATES DISTRICT COURT
18 THE NORTHERN DISTRICT OF CALIFORNIA
19 SAN FRANCISCO DIVISION

21 MOUANG SAECHAO, individually and on)
behalf of all others similarly situated,)
22 Plaintiff,)
23 vs.)
24 LANDRY’S, INC., a Delaware corporation,)
and McCORMICK & SCHMICK)
25 RESTAURANT CORP,)
26 Defendants.)

) Case No. **3:15-cv-00815-WHA**
) [Assigned to the Honorable William H. Alsup]
)
) **AMENDED STIPULATION OF**
) **DISMISSAL OF LANDRY’S, INC.**
) **WITHOUT PREJUDICE;**
) ~~**PROPOSED**~~ **ORDER THEREOF**

1 WHEREAS, the parties to this action dispute whether defendant Landry’s, Inc. employed
2 plaintiff and/or whether Landry’s, Inc., is properly before this Court but wish to avoid expending
3 the time and resources of the Court or of the parties litigating ancillary issues,

4 AND WHEREAS, a Stipulation of Dismissal of Landry’s, Inc. without Prejudice [Dkt. #
5 51] was filed in error and is hereby withdrawn. This Amended Stipulation of Dismissal of
6 Landry’s, Inc. without Prejudice shall supersede the previously filed Stipulation of Dismissal of
7 Landry’s, Inc. Without Prejudice [Dkt. # 51].

8 IT IS HEREBY STIPULATED by and between plaintiff Mouang Saechao, on the one
9 hand, and defendants on the other hand, through their respective counsel of record, that in the event
10 McCormick & Schmick is found liable to Plaintiff for damages as a result of the above-entitled
11 action and does not satisfy the judgment entered against it within fourteen days of demand,
12 Landry’s shall assume that liability as judgment debtor in the place of McCormick & Schmick.

13 IT IS FURTHER STIPULATED that this entire action shall be and hereby is dismissed
14 against Landry’s, Inc. pursuant to Federal Rule of Civil Procedure 41(a). Such dismissal shall be
15 without prejudice, with each party to bear her or its own attorneys’ fees and costs.

16 Pursuant to Civil Local Rule 5-1(i)(3) of the United States District Court for the Northern
17 District of California, Tracy Thompson, counsel for defendants Landry’s, Inc., and McCormick &
18 Schmick Restaurant Corp., attests that she has obtained concurrence in the filing of this document
19 from Ms. Cari Cohorn, counsel for Plaintiff, on September 28, 2015.

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21 [REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

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IT IS SO STIPULATED.

DATED: September 28, 2015

COHORN LAW

By: /s/ Cari A. Cohorn
Cari A. Cohorn
Attorneys for Plaintiff
MOUANG SAECHAO


DATED: September 28, 2015

DAVIS WRIGHT TREMAINE LLP

By /s/ Tracy Thompson
Tracy Thompson
Attorneys for Defendants
LANDRY'S, INC., and McCORMICK &
SCHMICK RESTAURANT CORP.

PURSUANT TO STIPULATION OF THE PARTIES, IT IS SO ORDERED.

DATED: September 29, 2015.


The Honorable William H. Alsup
United States District Judge