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12
 13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA
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 17 JULIA BERNSTEIN, LISA MARIE SMITH,
 and ESTHER GARCIA, on behalf of
 18 themselves and all others similarly situated,

19 Plaintiffs,

20 vs.

21 VIRGIN AMERICA, INC.; and Does 1-10,
 inclusive;

22 Defendants.

Case No. 15-cv-02277-JST

**JOINT STIPULATION; ~~PROPOSED~~
ORDER THEREON**

Trial Date: May 14, 2018

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9 Attorneys for Defendant
VIRGIN AMERICA INC.
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1 **STIPULATION**

2 Plaintiffs Julia Bernstein, et al. (“Plaintiffs”) and Defendant Virgin America Inc.
3 (“Defendant”) (collectively, the “Parties”), through their counsel, hereby stipulate and agree that:

4 WHEREAS, Plaintiffs have advanced meal period and rest break claims;

5 WHEREAS, Defendant represents that it has sought cell phone records and credit card
6 statements from Plaintiffs and absent class members to demonstrate that class members are
7 generally able to engage in non-work activities at some point during their duty period, such as
8 making personal calls, sending personal text messages, and buying and/or eating snacks or meals
9 for periods of time up to and exceeding thirty minutes;

10 WHEREAS, Plaintiffs have objected to responding to Defendant’s discovery requests on
11 the grounds that Plaintiffs’ meal period and rest break claims are solely predicated on Plaintiffs’
12 claim that Defendant has a policy requiring InFlight Team Members (“ITMs”) to remain on duty
13 throughout their duty period (and thus were not relieved of “all duty” for any meal periods and
14 rest breaks they were able to take), which is measured from one hour before the scheduled block
15 out of their first scheduled flight of the day until fifteen minutes after the block in of their last
16 scheduled flight of the day;

17 NOW, THEREFORE, based on the foregoing, the parties hereby stipulate that ITMs are at
18 times able to engage in non-work activities at some point during their duty periods, such as
19 making personal calls, sending personal text messages, and buying and/or eating snacks or meals.

20 Dated: June 28, 2017

DUCKWORTH PETERS LEBOWITZ OLIVIER LLP

21 By: /s/ Monique Olivier
22 Monique Olivier
23 Attorneys for Plaintiffs

24 Dated: June 28, 2017

MORGAN LEWIS & BOCKIUS

25 By: /s/RJ Hendricks
26 Robert Jon Hendricks
27 Nancy Villarreal
28 Attorneys for Defendant

*I, Robert Jon Hendricks, attest that Monique Olivier has concurred in the filing of this document. (L.R. 5-1(i).)

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PROPOSED ORDER

Pursuant to the Stipulation of the Parties, and good cause appearing, it is hereby ordered that the Parties' Joint Stipulation is hereby adopted and entered as an Order of this Court.

IT IS SO ORDERED.

DATED: June 29, 2017



HON. JON S. TIGAR
UNITED STATES DISTRICT JUDGE