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Attorneys for Defendants
VIRGIN AMERICA INC.
and ALASKA AIRLINES, INC.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

JULIA BERNSTEIN, LISA MARIE SMITH,
and ESTHER GARCIA, on behalf of
themselves and all others similarly situated,

Plaintiffs,

vs.

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

Defendants.

Case No. 15-cv-02277-JST

CLASS ACTION

**STIPULATION AND ~~[PROPOSED]~~
ORDER FOR APPROVAL OF
SUPERSEDEAS BOND AND TO
CONTINUE STAY OF EXECUTION
AND ENFORCEMENT OF
JUDGMENT PENDING APPEAL**

1 Pursuant to Civil Local Rule 7-12, Plaintiffs Julia Bernstein, et al. ("Plaintiffs") and
2 Defendants Virgin America, Inc. and Alaska Airlines, Inc. ("Defendants") (collectively, the
3 "Parties"), through their counsel, hereby stipulate and agree that:

4 WHEREAS, the Court entered judgment on February 4, 2019 (Dkt. No. 367).

5 WHEREAS, on February 14, 2019 and March 14, 2019, pursuant to the Parties'
6 stipulations (Dkt. 368, 372), the Court entered Orders for an extension of stay of execution and
7 enforcement of judgment by which any execution or enforcement of the judgment was stayed
8 until through ten (10) court days after the Court set the amount of a supersedeas bond or the Court
9 approved a stipulation submitted by the Parties resolving the amount of the supersedeas bond
10 (Dkt. 369, 376).

11 WHEREAS, Defendants filed a Notice of Appeal to the United States Court of Appeals
12 for the Ninth Circuit on March 4, 2019 (Dkt. No. 370).

13 WHEREAS, Defendants have agreed to post a supersedeas bond in the amount of Eighty-
14 One Million Eight Hundred Thousand Dollars (\$81,800,000), and Plaintiffs have agreed not to
15 oppose this amount.

16 WHEREAS, Defendants have obtained a supersedeas bond in the amount of Eighty-One
17 Million Eight Hundred Thousand Dollars (\$81,800,000), which is attached hereto as Exhibit A.

18 WHEREAS, Defendants represent that they are able to satisfy the judgment.

19 WHEREAS, Defendants have made representations to Plaintiffs concerning their current
20 financial condition, and have agreed to immediately notify Plaintiffs of any material change in
21 such condition that would impact Defendants' ability to pay the judgment.

22 WHEREAS, Defendants have agreed that, if the United States Court of Appeals for the
23 Ninth Circuit affirms the judgment, the bond attached as Exhibit A will remain in effect until at
24 least thirty days after the issuance of the mandate by the United States Court of Appeals for the
25 Ninth Circuit or the full satisfaction of any judgment in favor of Plaintiffs, whichever date is
26 earlier, and the Parties agree to continue the stay provided under Fed. R. Civ. Proc. 62(a) until
27 thirty days after issuance of the mandate by the United States Court of Appeals for the Ninth
28 Circuit.

1 **IT IS SO STIPULATED.**

2 Date: March 20, 2019

Respectfully submitted,

3 OLIVIER SCHREIBER & CHAO LLP

4 /s/ Monique Olivier*

Monique Olivier

5 Attorneys for Plaintiffs and the Certified Class

7 Date: March 20, 2019

MORGAN LEWIS & BOCKIUS

9 /s/Brendan T. Killeen

Brendan T. Killeen

10 Attorneys for Defendants

12 *I, Brendan T. Killeen, have obtained the consent of Monique Olivier to this filing,
13 pursuant to the local rules.

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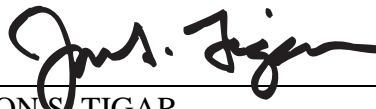
[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS HEREBY ORDERED that a supersedeas bond in the amount of Eighty-One Million Eight Hundred Thousand Dollars (\$81,800,000) is approved. The Clerk of Court is hereby directed to post the bond in the amount of \$81,800,000, which is attached as Exhibit A to the parties' Stipulation.

PURSUANT TO STIPULATION, IT IS FURTHER ORDERED that, if the United States Court of Appeals for the Ninth Circuit affirms the judgment, the bond attached as Exhibit A will remain in effect until at least thirty days after the issuance of the mandate by the United States Court of Appeals for the Ninth Circuit or the full satisfaction of any judgment in favor of Plaintiffs, whichever date is earlier, and the stay will be continued under Fed. R. Civ. Proc. 62(a) until thirty days after issuance of the mandate by the United States Court of Appeals for the Ninth Circuit. Plaintiffs may also seek emergency relief from the stay of execution in the event of any material change in Defendants' financial condition that reasonably implicates Defendants' ability to pay the judgment.

IT IS SO ORDERED.

Dated: March 21, 2019



JON S. TIGAR
UNITED STATES DISTRICT JUDGE