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 15 **UNITED STATES DISTRICT COURT**  
 16 **NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO**

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 18 CHRIS AZPEITIA, EILEEN FOSTER, ANTONIO  
 GARCIA, APRIL MOORE, and SAMANTHA  
 19 SCOTT, individually and on behalf of all similarly  
 situated current and former employees,

20 Plaintiffs,

21 v.

22 TESORO REFINING AND MARKETING  
 COMPANY LLC, TESORO LOGISTICS GP,  
 23 LLC, and DOES 1 through 10, inclusive,

24 Defendants.

Case No. 3:17-cv-00123-JST

Assigned to the Hon. Jon S. Tigar

**CLASS ACTION**

**STIPULATION AND ~~PROPOSED~~ ORDER  
RE: SECOND AMENDED COMPLAINT**

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1 The undersigned counsel of record for Plaintiffs Chris Azpeitia, Eileen Foster, Antonio Garcia,  
2 April Moore, Samantha Scott, and Defendant Tesoro Refining and Marketing Company LLC, Tesoro  
3 Logistics GP, LLC, jointly file this Stipulation and agree as follows:

4 WHEREAS Plaintiffs filed their First Amended Complaint on March 31, 2017;

5 WHEREAS Defendants filed their Motion to Dismiss Plaintiffs' First Amended Complaint (Dkt  
6 #25) on April 14, 2017;

7 WHEREAS Plaintiffs intend to file a Second Amended Complaint, attached hereto as Exhibit 1  
8 to reflect the correct effective date of the *Delagarza* class member releases, as argued in Defendants'  
9 motion to dismiss;

10 WHEREAS the parties wish to maintain the briefing schedule and hearing date for Defendants'  
11 Motion to Dismiss, currently set for hearing on June 15, 2017;

12 THEREFORE, IT IS STIPULATED AND AGREED THAT,

- 13 1. Plaintiffs shall file their Second Amended Complaint;
- 14 2. Defendants' Motion to Dismiss (Dkt #25) shall be directed to the Second Amended  
15 Complaint;
- 16 3. The briefing schedule and hearing date for Defendants' Motion to Dismiss shall remain in  
17 effect.

18 IT IS SO STIPULATED.

19 DATED: April 26, 2017

Respectfully submitted,

20 **HADSELL STORMER & RENICK, LLP**

21 **GILBERT & SACKMAN, A LAW CORPORATION**

22 By: /s/-Joshua F. Young  
23 Attorneys for Plaintiffs

24 DATED: April 26, 2017

25 **SEYFARTH SHAW LLP**

26 By: /s/-Michael W. Kopp  
27 Attorneys for Defendants

Attestation Regarding Signatures:

1 I, Joshua Young, hereby attest that all other signatories listed, and on whose behalf the filing is  
2 submitted, concur in the filing's content and have authorized the filing.

3 By: /s/-Joshua F. Young

4 Joshua F. Young

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7 ~~PROPOSED~~ ORDER

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9 PURSUANT TO STIPULATION, IT IS SO ORDERED.

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13 Dated: April 28, 2017

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16 THE HONORABLE JON S. TIGAR  
17 UNITED STATES DISTRICT JUDGE  
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