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Perez et al v. Safety-Kleen Systems, Inc. et al

Trial is presently scheduled for April 13, 2009. The first pre-trial event is to meet and confer regarding a pretrial conference statement no later than February 7, 2009.

In settlement conferences with Magistrate Judge Edward Chen, the parties have settled all matters presently scheduled for trial, with the sole exception of the matter of attorney's fees to the prevailing party. Doc. 175. The parties are continuing to work with Magistrate Judge Chen on the matter of attorney's fees. Docs. 177, 179. In the event the parties are unable to resolve their dispute over attorney's fees, plaintiffs would move the Court for an award of attorney's fees, and the parties would brief the motion. Accordingly, the parties agree that the present dates for trial and pretrial proceedings should be vacated, and they so stipulate.

The settlement provides for a recovery by the class on plaintiffs' Labor Code § 226 claim (itemized wage statement). Pursuant to Fed.R.Civ. Proc 23, the settlement will need to be presented to the Court for preliminary and final approval. Plaintiffs wish the motion for preliminary approval to proceed regardless of the status of the settlement discussions concerning attorney's fees, as the settlement of the Labor Code § 226 claim is not contingent on resolution of the fee dispute. Defendant believes the motion for preliminary approval should include the matter of attorney's fees and that, accordingly, the motion should await resolution of the attorney's fees dispute. For the purpose of resolving that particular dispute, the parties request a further case management conference to be held on Thursday, January 29, 2009, at 2:30 p.m., or on such date and time as mutually convenient. In the event, the matter of attorney's fees is settled before the case management conference, the parties will so notify the court.

DATED: January 13, 2009 SEYFARTH SHAW LLP

/S/ Robert W. Tollen

Robert W. Tollen
Attorneys for Defendant
SAFETY-KLEEN SYSTEMS, INC.

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1		EDGAR LAW FIRM THE LAW OFFICE OF BARRON RAMOS
2		HENDERSON & CAVERLY
3		/S/ Jeremy R. Fietz Jeremy R. Fietz
4		Attorneys For Plaintiffs STEVEN WAMBOLDT, et al.
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6		
7	IT IS SO ORDERED.	
8		or January 29, 2009 at 2:30 p.m.
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10		TATES DISTRICT CO
11	DATED: 1/14/09	
12		JUDGE OF ORDERED EX DISTRICT COURT CT OF CALIFORNIA
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14		Judge Phyllis J. Hamilton
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