

1 MARLENE S. MURACO, Bar No. 154240  
[mmuraco@littler.com](mailto:mmuraco@littler.com)  
 2 ERICA H. KELLEY, Bar No. 221702  
[ekelley@littler.com](mailto:ekelley@littler.com)  
 3 LITTLER MENDELSON  
 A Professional Corporation  
 4 50 West San Fernando Street  
 15th Floor  
 5 San Jose, CA 95113.2303  
 Telephone: 408.998.4150  
 6  
 Attorneys for Defendant  
 7 NEW UNITED MOTOR MANUFACTURING,  
 INC.

8 JAMES M. FINBERG, Bar No. 114850  
[jfinberg@altshulerberzon.com](mailto:jfinberg@altshulerberzon.com)  
 9 EVE H. CERVANTEZ, Bar No. 164709  
[ecervantez@altshulerberzon.com](mailto:ecervantez@altshulerberzon.com)  
 10 LINDA LYE, Bar No. 215584  
[llye@altshulerberzon.com](mailto:llye@altshulerberzon.com)  
 11 JENNIFER SUNG, Bar No. 254741  
[jsung@altshulerberzon.com](mailto:jsung@altshulerberzon.com)  
 12 ALTSHULER BERZON LLP  
 13 177 Post Street, Suite 300  
 San Francisco, CA 94108  
 14 Telephone: 415.421.7151

15 Attorneys for Plaintiffs  
 DAVID MARTIN, PERRY DEAN, DONALD  
 16 ALEXANDER, ANTHONY SILVA, and the  
 proposed Plaintiff Class  
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18 UNITED STATES DISTRICT COURT  
 19 NORTHERN DISTRICT OF CALIFORNIA

21 DAVID MARTIN, PERRY DEAN,  
 DONALD ALEXANDER, AND  
 22 ANTHONY SILVA, on behalf of  
 themselves and a class of those similarly  
 23 situated,,

24 Plaintiffs,

25 v.

26 NEW UNITED MOTOR  
 MANUFACTURING, INC.,

27 Defendant.  
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Case No. C07-03887 PJH  
 MODIFIED  
**STIPULATION AND ~~[PROPOSED]~~  
 ORDER CONTINUING THE FINAL  
 APPROVAL HEARING, MODIFYING  
 SECTION XI.A.2 OF THE JOINT  
 STIPULATION OF CLASS SETTLEMENT  
 AND CLASS SETTLEMENT  
 AGREEMENT AND RELEASE AND  
 AUTHORIZING NOTICE OF  
 SETTLEMENT TO NEWLY-  
 DISCOVERED CLASS MEMBERS**

(NO. C07-03887 PJH)

STIP & ORDER CONTINUING FINAL  
 APPROVAL HEARING AND MODIFYING  
 SETTLEMENT AGREEMENT

1 This Stipulation is entered into by and between David Martin, Perry Dean, Donald  
2 Alexander, and Anthony Silva (collectively "Plaintiffs"), by and through their undersigned counsel,  
3 and New United Motor Manufacturing, Inc. ("NUMMI"), by and through its undersigned counsel.  
4 Plaintiffs and NUMMI are collectively referred to herein as the "Parties."

5 RECITALS

6 WHEREAS, the Court preliminarily approved the settlement in this case on July 30,  
7 2008, including the terms of the Joint Stipulation of Class Settlement and Class Settlement  
8 Agreement and Release ("Settlement Agreement") filed by the Parties on July 15, 2008 (Docket No.  
9 29) and subsequently modified by the Parties on August 22, 2008 (Docket No. 34) and October 21,  
10 2008 (Docket No. 49);

11 WHEREAS, the Court scheduled a hearing to determine whether to grant final  
12 approval of the Settlement (the "Final Approval Hearing") for October 29, 2008, at 9:00 a.m.;

13 WHEREAS, following a recent inquiry by the Court, the Parties realized that  
14 Defendant had failed to send notice to appropriate State and Federal officials as required by the  
15 Class Action Fairness Act ("CAFA"), 28 U. S. C. §1715(b) ("CAFA Notice");

16 WHEREAS, the Parties recently discovered that there are three individuals who  
17 should have been included in the class but who have not yet received notice of the settlement of this  
18 matter because Defendant inadvertently left them off the class list provided to the Settlement  
19 Administrator;

20 WHEREAS, Defendant requested, and Plaintiffs agreed, to continue the Final  
21 Approval Hearing to permit Defendant to send the required CAFA Notice to the appropriate State  
22 and Federal officials and to permit the three newly-discovered class members to be informed of the  
23 settlement in this matter and to have an opportunity to file a claim, opt out of the settlement, or  
24 object to the settlement;

25 WHEREAS, the Parties want to accomplish the foregoing goals without delaying the  
26 disbursement of the settlement funds any longer than is absolutely necessary;

27 WHEREAS, Section XI.A.2 of the Settlement Agreement currently states that  
28 NUMMI or the Settlement Administrator will distribute to every Claimant his or her Settlement

1 Share within sixty (60) days after the Final Approval Order becomes Final;

2 WHEREAS, the Parties agree that in order to minimize the delay in distribution of the  
3 settlement funds that will be caused by the requested continuance of the Final Approval Hearing,  
4 Section XI.A.2 of the Settlement Agreement should be modified to provide that NUMMI or the  
5 Settlement Administrator will distribute to every Claimant his or her Settlement Share within seven  
6 (7) days after the Final Approval Order becomes Final;

7 THEREFORE, the Parties stipulate and agree as follows:

8 STIPULATION AND AGREEMENT

9 1. The Final Approval Hearing shall be continued to 9:00 a.m. on January 28,  
10 2009;

11 2. Defendant shall send notice to the appropriate State and Federal officials as  
12 required by the Class Action Fairness Act on October 29, 2008;

13 3. On or before November 7, 2008, Defendant shall file a declaration with the  
14 Court attesting that the CAFA Notice was sent to the appropriate officials, as required by this  
15 Stipulation;

16 4. On October 31, 2008, the Settlement Administrator shall send notice of the  
17 Class Settlement to the three individuals who were recently identified as being members of the class;

18 5. The notice provided to the newly-discovered class member shall indicate that  
19 they have 45-days to either object to the settlement or opt-out of it (*i.e.*, until December 15, 2008)  
20 and that they have 60-days to submit a claim form (*i.e.*, until December 30, 2008) but shall otherwise  
21 be identical to the notice sent to all other class members and previously approved by this Court;

22 6. Section XI.A.2 of the Settlement Agreement shall be modified to read as  
23 follows: "Within seven (7) days after the Final Approval Order becomes Final, NUMMI or the  
24 Settlement Administrator will distribute to every Claimant his or her Settlement Share, which will be  
25 calculated for each Claimant as follows:"

26 7. Plaintiffs shall file a status update with the Court <sup>two</sup> ~~one~~ week prior to the Final  
27 Approval Hearing, on January <sup>14</sup> ~~21~~, 2008.

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1 Dated: October 28, 2008

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/s/ Marlene S. Muraco  
MARLENE S. MURACO  
LITTLER MENDELSON  
A Professional Corporation  
Attorneys for Defendant  
NEW UNITED MOTOR  
MANUFACTURING, INC.

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Dated: October 28, 2008

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/s/ Eve H. Cervantez  
EVE H. CERVANTEZ  
ALTSCHULER BERZON LLP  
Attorneys for Plaintiffs  
DAVID MARTIN, PERRY DEAN, DONALD  
ALEXANDER, ANTHONY SILVA, and the  
proposed Plaintiff Class

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ORDER

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The foregoing Stipulation is approved, and IT IS SO ORDERED.

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Dated: 10/30/08

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