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15  
 16 UNITED STATES DISTRICT COURT  
 17 NORTHERN DISTRICT OF CALIFORNIA  
 18 SAN FRANCISCO DIVISION

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

22 Plaintiffs,

23 v.

24 NEW UNITED MOTOR  
 MANUFACTURING, INC.,

25 Defendant.  
 26

Case No. C07-03887 PJH

**STIPULATION AND [PROPOSED]  
 ORDER MODIFYING SECTION XI.A.2 OF  
 THE JOINT STIPULATION OF CLASS  
 SETTLEMENT AND CLASS  
 SETTLEMENT AGREEMENT AND  
 RELEASE TO PERMIT DISTRIBUTION  
 OF SETTLEMENT SHARES NINE DAYS  
 AFTER THE FINAL APPROVAL ORDER**

**COLLECTIVE ACTION AND CLASS  
 ACTION**

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 entered an order finally approving the settlement in this case  
7 on January 28, 2009 (Docket No. 60), including the terms of the Joint Stipulation of Class  
8 Settlement and Class Settlement Agreement and Release ("Settlement Agreement") filed by the  
9 Parties on July 15, 2008 (Docket No. 29) and subsequently modified by the Parties on August 22,  
10 2008 (Docket No. 34), October 21, 2008 (Docket No. 49) and October 28, 2008 (Docket No. 50);

11 WHEREAS, Section XI.A.2 of the Settlement Agreement currently states that  
12 NUMMI or the Settlement Administrator will distribute to every Claimant his or her Settlement  
13 Share within seven (7) days after the Final Approval Order becomes Final;

14 WHEREAS, on the afternoon of January 28, 2009, the Settlement Administrator  
15 disclosed to the parties for the first time that there were several Claimants who, during the claims  
16 process, had asserted that they did not receive credit for all the time they spent working in Covered  
17 Positions;

18 WHEREAS, Defendant NUMMI has researched the assertions of those Claimants  
19 and determined that there is one Claimant who should have been credited for time spent working in  
20 one position;

21 WHEREAS, this discovery has required the Third Party Administrator to re-calculate  
22 the Settlement Shares owed to each Claimant in the class;

23 WHEREAS, the recalculation was completed on the afternoon of February 2, 2009;

24 WHEREAS, due to the delay caused by the research and recalculation processes, the  
25 Parties agree that two extra days will be needed to process the Settlement Shares;

26 THEREFORE, the Parties stipulate and agree as follows:

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