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6 Attorneys for Defendants
7 HOLOGIC, INC. and SUROS SURGICAL
SYSTEMS, INC.
8

9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**
11 **OAKLAND DIVISION**

12 MARYANN REYNOLDS, DANA SHAWA,
and SHELLA LEAHY, individually and on
13 behalf of other similarly situated,

14 Plaintiffs,

15 v.

16 HOLOGIC, INC., and SUROS SURGICAL
SYSTEMS, INC.,

17 Defendants.
18

Case No. CV 11-0462 PJH

**STIPULATION AND [~~PROPOSED~~]
ORDER RE CLASS NOTICE AND OPT-
IN FORM FOLLOWING
CONDITIONAL CERTIFICATION**

1 Plaintiffs Maryann Reynolds, Dana Shawa, and Shella Leahy's (collectively, "Plaintiffs")
2 and Defendant Hologic, Inc. ("Hologic"), by and through their counsel, hereby stipulate and agree to
3 the form of Notice and Opt-In (attached hereto as Exhibit A), revised as instructed by the Court at
4 the hearing on Plaintiffs' Motion for Conditional Certification and in its Order Granting in Part and
5 Denying in Part Plaintiffs' Motion for Conditional Certification (Docket No. 31).¹

6
7 Dated: August 31, 2011

/S/ Michael E. Brewer

Michael E. Brewer
Gregory G. Iskander
LITTLER MENDELSON
Attorneys for Defendant
HOLOGIC, INC.

8
9
10 Dated: August 31, 2011

/S/ Timothy M. Keegan

Timothy M. Keegan
CEARTAS LEGAL, P.C.
Attorneys for Plaintiffs
Maryann Reynolds, Dana Shawa, and Shella Leahy

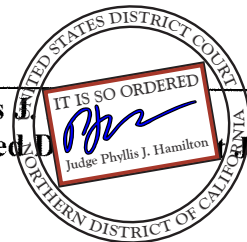
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14 **ORDER**

15 Pursuant to the stipulation of the parties, and the Court's Order Granting in Part and Denying
16 in Part Plaintiffs' Motion for Conditional Certification, the Court approves the revised Notice and
17 Opt-In form, and the third-party administrator agreed upon by the parties is authorized to mail the
18 Notice and Opt-In Form to the putative collective action members.

19 **SO ORDERED.**

20 Dated: 9/6/11

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22 **Hon. Phyllis J. Hamilton**
United States District Judge



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25 ¹ The parties note a discrepancy between the Court's order at the hearing and its written order. At the hearing the Court
26 stated that the class period shall begin on August 31, 2008 (three years prior to the date the notice was to be approved);
27 however, the Court's written order stated July 11, 2008. As explained at the hearing, the statute of limitations runs three
28 years from the date any individual putative collective member files an individual opt-in form. See 29 U.S.C. § 256.
Thus, while any individual member may be barred if he or she were not employed within three years of the date of their
individual opt-in, for purposes of the class period stated in the notice, the parties agree that three years prior to the date
the notice is approved, August 31, 2008, should be the date stated. *Carter v. Anderson Merchandisers, LP*, 2008 U.S.
Dist. LEXIS 53852, *18 (C.D. Cal. 2008) (approving issuance of notice limited to those employed within last three
years).

EXHIBIT A

NOTICE OF LAWSUIT AGAINST HOLOGIC, INC.

This notice and its contents have been authorized by the United States District Court for the Northern District of California. The Court has taken no position regarding the merits of the plaintiffs' claims or of defendants' defenses.

A court authorized this notice. This is not a solicitation from a lawyer.

TO: Current and former employees of Hologic, Inc. who worked as Clinical Education Specialists in Hologic's Interventional Breast Solutions division from August 31, 2008 to August 31, 2011.

Date: August 31, 2011

Re: Fair Labor Standards Act ("FLSA") lawsuit against Hologic, Inc. seeking unpaid wages and other penalties.

I. PURPOSE OF THIS NOTICE

The purpose of this Notice is to inform you of a collective action lawsuit that has been filed against Hologic, Inc. The Court has determined that you may be similarly situated to the named plaintiffs who filed the case. Therefore, the Court has ordered that this notice be sent to you to explain what the lawsuit is about and how you can participate.

II. DESCRIPTION OF THE LAWSUIT

Maryann Reynolds, Dana Shawa, and Shella Leahy ("Plaintiffs") filed this action on behalf of themselves and all current and former employees of Hologic, Inc. who worked as Clinical Education Specialists in the Interventional Breast Solutions ("IBS") division any time within the last three years. Anyone who fits this description is eligible to participate in this lawsuit.

Plaintiffs contend that Hologic improperly classified Plaintiffs as "exempt" from overtime compensation and other labor protections. Plaintiffs believe they are entitled to recover unpaid wages from Defendant for overtime hours worked. Plaintiffs assert that they and all similarly situated Clinical Education Specialists are entitled to recover unpaid wages, liquidated damages, interest, attorneys' fees and costs associated with bringing this lawsuit.

Hologic, Inc. denies that it has violated the Fair Labor Standards Act and denies that Plaintiffs are entitled to any relief or damages.

III. YOUR RIGHT TO JOIN THIS LAWSUIT

If you worked for Hologic, Inc. as a Clinical Education Specialist in its IBS division from August 31, 2008 to August 31, 2011 and were classified as exempt from overtime, you may choose to join this law suit. To join this law suit, you **must** complete and return the enclosed "Consent to Join" form.

FORMS MUST BE POSTMARKED ON OR BEFORE NOVEMBER 29, 2011.

If you do not return the Consent to Join form on or before this deadline, you cannot participate in any settlement or judgment for damages under the Federal Fair Labor Standards Act as part of this lawsuit.

IV. WHAT HAPPENS IF YOU JOIN

If you join this lawsuit, you will be bound by any judgment entered by the Court in this case, whether favorable or unfavorable. If you join this lawsuit, you will also be bound by, and will share in, any settlement that may be reached on behalf of the class.

Your interests will be represented by Julie Vinogradsky of the Law Offices of Julie I. Vinogradsky and Greg Klawitter and Timothy Keegan of Ceartas Legal, P.C. You will not incur any fees or costs during or after the litigation. Plaintiffs' attorneys will pay all fees and costs from any monies it recovers if the lawsuit is successful. If there is no recovery, you will not be required to pay Plaintiffs' attorneys for any of their work. However, if Defendant prevails in this action, Plaintiffs could potentially share in liability for payment of Defendant's costs.

If you join this lawsuit, you may be required to provide information, give a deposition testimony, and/or testify in court. If you are required to do any of these things, Plaintiffs' counsel will assist you, or you are free to retain your own legal counsel.

V. NO RETALIATION PERMITTED

Federal law prohibits Hologic, Inc. from discharging or in any other manner discriminating or retaliating against you because you have elected to participate in this lawsuit.

VI. FOR FURTHER INFORMATION

For further information about this Notice or the lawsuit or to answer any questions about the procedure or deadline for filing a "Consent to Join," please contact:

Julie I. Vinogradsky LAW OFFICES OF JULIE I. VINOGRADSKY 495 Bartlett St. No. 1 San Francisco, CA 94110	Greg A. Klawitter Timothy M. Keegan CEARTAS LEGAL, P.C. 3115 4th Avenue San Diego, CA 92103
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T: 415.407.2948
F: 415.354.3481
www.vinolawfirm.com

T: 619.325.1323
F: 619.297.5908
www.ceartaslegal.com

CONSENT TO BECOME A PARTY PLAINTIFF

I, _____, hereby consent to become a party plaintiff in the lawsuit, Reynolds, et al. v. Hologic, Inc., et al. lawsuit. I worked for Hologic, Inc. between August 31, 2008 and August 31, 2011 as a Clinical Education Specialist in Hologic’s IBS division and was classified as an exempt employee. I choose to be represented by the named plaintiffs and their counsel, Law Offices of Julie I. Vinogradsky and Ceartas Legal, P.C., and agree to be bound by any adjudication or settlement of the action (whether favorable or unfavorable), and to be bound by the decisions and agreements entered into by the named plaintiffs and their counsel.

Executed at _____, on _____.

(City, State)

(Date)

(Signature)

CONTACT INFORMATION—IMPORTANT!

(Please print legibly. Thank you!)

Name: _____

Address: _____

City, State, Zip: _____

Phone: _____

Fax: _____

Email: _____

DEADLINE: This form MUST be returned by fax or e-mail or mail postmarked no later than November 29, 2011 to:

[Claims administrator’s contact information, including email]