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13 Attorneys for Plaintiffs

14 UNITED STATES DISTRICT COURT  
15 NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION  
16

17 HOLLY GEHL, et al others similarly  
18 situated,

19 Plaintiffs,

20 vs.

21 BLOOMIN' BRANDS, INC., et al.,

22 Defendants  
23  
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Case No. 4:13-cv-05961-KAW

[Judge Kandis A. Westmore]

**STIPULATION RE NOTICE  
PROCEDURE REGARDING  
DISCLOSURE OF PUTATIVE CLASS  
MEMBERS' CONTACT  
INFORMATION; [~~PROPOSED~~]  
ORDER**

1 The parties to the above-captioned action, through their attorneys of record,  
2 hereby stipulate and agree as follows:

3 WHEREAS, this action is a putative class action brought by the named  
4 plaintiffs on behalf of themselves and all current and former hourly, non-exempt  
5 employees employed by defendants at an "Outback Steakhouse" Restaurant in  
6 California, at any time during the statutory time period;

7 WHEREAS, plaintiff Chris Armenta has served discovery on all defendants  
8 requesting, among other things, that defendants disclose the identities of, and  
9 contact information for, each non-exempt employee who has been employed at any  
10 CALIFORNIA OUTBACK RESTAURANT from November 8, 2010 until the  
11 present time;

12 WHEREAS, defendants T-BIRD RESTAURANT GROUP, INC. and  
13 T-BIRD NEVADA, LLC (collectively, the "T-Bird Defendants") have contended  
14 that providing such information could violate the privacy rights of their current and  
15 former employees;

16 WHEREAS, plaintiffs believe they are entitled to contact information  
17 regarding all members of the proposed class, the T-Bird Defendants have  
18 maintained that they are only obligated to provide such information regarding  
19 employees who work or have worked at the particular CALIFORNIA OUTBACK  
20 RESTAURANTS where the class representatives have worked;

21 WHEREAS, defendants BLOOMIN' BRANDS, INC., OSI RESTAURANT  
22 PARTNERS, LLC, and OS RESTAURANT SERVICES, LLC have represented that  
23 they do not have the requested contact information and have represented that they  
24 do not believe that they are the appropriate parties to participate in the opt-out notice  
25 procedure described herein;

26 WHEREAS, plaintiffs and the T-Bird Defendants have previously stipulated  
27 to utilize the procedure set forth in *Belair-West Landscape, Inc. v. Superior Court*,  
28 149 Cal.App.4<sup>th</sup> 554 (2007), pursuant to which plaintiffs are being provided the

1 contact information of the putative class members for only the Fremont, Mission  
2 Valley and Moreno Valley CALIFORNIA OUTBACK RESTAURANTS, and for  
3 any other restaurants where a prospective class representative has worked, if such  
4 putative class members did not object to the disclosure of such information to  
5 plaintiffs' counsel;

6       WHEREAS, the Court's August 6, 2014, discovery Order encouraged plaintiffs  
7 and the T-Bird Defendants to stipulate to production of contact information for all  
8 putative class members at all CALIFORNIA OUTBACK RESTAURANTS in  
9 accordance to the previously agreed upon *Belaire-West Landscape, Inc. v. Superior*  
10 *Court*, 149 Cal.App.4<sup>th</sup> 554 (2007) procedure.

11  
12       THEREFORE, IN LIGHT OF THE FOREGOING, PLAINTIFFS AND THE  
13 T-BIRD DEFENDANTS HEREBY STIPULATE AND AGREE THAT:

14       1.     On or before September 5, 2014, the T-Bird Defendants will provide  
15 plaintiffs' counsel with the name of each non-exempt employee who has been  
16 employed at any CALIFORNIA OUTBACK RESTAURANT from November 8,  
17 2010 until the present time (the "Statutory Period"), along with their locations of  
18 employment, as has been requested, in part, by plaintiff Chris Armenta's  
19 interrogatories to the defendants.

20       2.     On or before September 5, 2014, the T-Bird Defendants shall provide  
21 the last known physical address; the email addresses, to the extent that the T-Bird  
22 Defendants has any email addresses; telephone numbers; dates of employment;  
23 positions of employment for each time period; and location of employment for each  
24 time period of all non-exempt employees identified pursuant to Paragraph 1, above,  
25 to a third-party administrator to be agreed-upon by the parties ("TPA"). Within ten  
26 days of receipt of such information, the TPA will send to all identified individuals  
27 by United States mail, and email where email addresses are available, the notice  
28 attached as Exhibit 1 to this Stipulation.



1 **ORDER**

2 In light of the stipulation by and between plaintiffs and defendants T-BIRD  
3 RESTAURANT GROUP, INC. and T-BIRD NEVADA, LLC (collectively, the “T-  
4 Bird Defendants”), and for good cause shown, IT IS HEREBY ORDERED THAT:

5 1. On or before September 5, 2014, the T-Bird Defendants will provide  
6 plaintiffs’ counsel with the name of each non-exempt employee who has been  
7 employed at any CALIFORNIA OUTBACK STEAKHOUSE RESTAURANTS  
8 from November 8, 2010 until the present time (the “Statutory Period”), along with  
9 their locations of employment, as has been requested, in part, by plaintiff Chris  
10 Armenta’s interrogatories to the defendants.

11 2. On or before September 5, 2014, the T-Bird Defendants shall provide  
12 the last known physical addresses; the email addresses, telephone numbers, dates of  
13 employment, positions of employment for each time period, and location of  
14 employment for each time period of all non-exempt employees identified pursuant  
15 to Paragraph 1, above, to a third-party administrator to be agreed-upon by the parties  
16 (“TPA”). Within ten days of receipt of such information, the TPA will send to all  
17 identified individuals by United States mail, and email where email addresses are  
18 available, the notice attached as Exhibit 1 to this Stipulation.

19 3. Within forty-five days after mailing such notices, but not before thirty  
20 days after mailing such notices, the TPA shall provide plaintiffs’ counsel with the  
21 last known physical and email addresses, telephone numbers, dates of employment,  
22 positions of employment for each time period, and location of employment for each  
23 time period of each of the current or former employees previously identified  
24 pursuant to paragraphs 1 and 2, above, except for those persons who have informed  
25 the TPA that they object to the disclosure of such information.

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1           4.     The plaintiffs and T-Bird Restaurant Group, Inc. shall evenly share the  
2 cost of the TPA notice expense.

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Dated: 8/25/14

  
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HON. KANDIS A. WESTMORE  
UNITED STATES MAGISTRATE JUDGE