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 PAUL VELIZ, et al.

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14 Attorneys for Defendant  
 CINTAS CORPORATION and  
 15 PLAN ADMINISTRATOR FOR THE  
 CINTAS PARTNERS' PLAN

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

19 PAUL VELIZ, et al., On behalf of  
 20 Themselves and All Others Similarly  
 Situated,

21 Plaintiffs,

22 vs.

23 CINTAS CORPORATION, et al,

24 Defendants.  
 25  
 26  
 27  
 28

**FILED**  
 JAN 21 2009  
 RICHARD W. WIEKING  
 CLERK U.S. DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE

Case No. 03-01180 (RS)

1 WHEREAS, the parties' respective counsel have conferred about the matters which are  
2 the subject of this Stipulation and Order;

3 WHEREAS, the parties and their respective counsel jointly submit to the Court that entry  
4 by the Court of the Order at the end of this Stipulation, adopting this Stipulation as an Order of  
5 the Court, will substantially promote judicial economy in the context of the pending action;  
6

7 WHEREAS, each of the respective parties' agreement to each and all of the matters  
8 herein is conditioned upon the Court's approval, by entry of the Order stipulated to herein, of this  
9 entire Stipulation as written;

10 WHEREAS, on March 19, 2003, plaintiffs filed the above-captioned action ("*Veliz*  
11 action") against defendants (collectively "Cintas"), alleging that Cintas had failed to pay all  
12 overtime wages due under the Fair Labor Standards Act ("FLSA") and certain state laws and  
13 deprived them of certain benefits protected by ERISA;  
14

15 WHEREAS, as more fully set forth in the record of the *Veliz* action, Cintas denies all  
16 such allegations;

17 WHEREAS, on November 13, 2008, the Court ruled that "plaintiffs' claims will be  
18 governed by the two year limitations period," Docket ("Dkt") 1039 at 16:19-20;

19 WHEREAS, Cintas has moved for summary judgment (Dkt 1128) on the matter  
20 addressed by this Stipulation;  
21

22 WHEREAS the parties recognize that the Court's ruling of November 13, 2008 will  
23 control in determining the statute of limitations period applicable to the FLSA claims of the  
24 remaining plaintiffs who are litigating in federal court in the *Veliz* action, but Plaintiffs wish to  
25 preserve their rights to challenge such ruling in a post-judgment appeal thereof;

26 NOW, THEREFORE, the parties hereto, by and through their respective undersigned  
27 counsel, hereby stipulate to an order of the Court as follows:  
28

1           1.       The Court's November 13, 2008 ruling that the "plaintiffs' claims will be  
2 governed by the two year limitations period," Dkt. 1039 at 16:19-20, applies to the Plaintiffs  
3 identified in the Exhibit hereto (Dkt. 1132-3) so as to limit their FLSA claims in the *Veliz* action  
4 to start on the commencement dates individually calculated as set forth in the Exhibit hereto  
5 (Dkt. 1132-3).  
6

7           2.       The Order adopting this Stipulation is subject to post-judgment appeal only, and  
8 only to the same extent and by the same procedures as is the Court's November 13, 2008 ruling  
9 that the "Plaintiffs' claims will be governed by the two year limitations period". Dkt. 1039 at  
10 16:19-20.  
11

12           3.       This Stipulation does not constitute or imply any admission or concession by any  
13 party regarding any claim or argument raised in the *Veliz* action, but implements as to the  
14 Plaintiffs shown on the Exhibit hereto (Dkt. 1132-3) the Court's ruling that "plaintiffs' claims  
15 will be governed by the two year limitations period". Dkt. 1039 at 16:19-20.  
16

17           IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

18 Dated: January 21, 2009

SQUIRE, SANDERS & DEMPSEY, L.L.P.

19 By: \_\_\_\_\_ /s/  
20 Mark C. Dosker

21 Attorneys for Defendants  
22 CINTAS CORPORATION etc.

23 Dated: January 21, 2009

ALTSHULER, BERZON LLP, and

24 COUGHLIN STOIA GELLER RUDMAN &  
25 ROBBINS L.L.P., and

TRABER & VOORHEES

26 By: \_\_\_\_\_ /s/  
27 Theresa M. Traber

28 Attorneys for Plaintiffs

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**ORDER**

Pursuant to Stipulation, IT IS SO ORDERED.

Dated: January 21, 2009



\_\_\_\_\_  
RICHARD SEEBORG  
United States Magistrate Judge

# **EXHIBIT B**

**EXHIBIT B**  
**CLAIM COMMENCEMENT DATES BASED ON A TWO-YEAR LIMITATIONS PERIOD**

No.	Plaintiff	Consent to Sue Form Filed	# Days of Stipulated Tolling	# Days of Court Ordered Tolling	Total # Days of Tolling	2 Year SOL + Tolling Claim Commencement Date	Notes
1	Abdella, Karim S	11/5/2004	194		194	4/26/2002	
2	Adder, Thomas	7/23/2004	194		194	1/11/2002	
3	Albion, James W.	10/21/2004	194		194	4/11/2002	
4	Alexander, Tony A	7/23/2004	194		194	1/11/2002	
5	Alvis, Daniel	7/9/2004	194		194	12/28/2001	
6	Andrzejewski, Robbie J	1/18/2005	194	125	319	3/6/2002	Opted in after court tolling period closed.
7	Ankenbruck, Michael	7/1/2004	194		194	12/20/2001	
8	Atencio Jr., Claudio	9/3/2004	194		194	2/22/2002	
9	Audet, Gary	8/20/2004	194		194	2/8/2002	
10	Axelton, Christopher	10/21/2004	194		194	4/11/2002	
11	Azevedo, William	10/29/2004	194		194	4/19/2002	
12	Ballesteros, Ron	8/24/2004	194	33	227	1/10/2002	Opted in during court tolling period.
13	Barefield II, James L	10/22/2004	194		194	4/12/2002	
14	Barnaby, Frank	1/3/2005	194		194	6/24/2002	
15	Baskette, Matthew	8/24/2004	194		194	2/12/2002	
16	Bawahab, Samy A	7/23/2004	194	1	195	1/10/2002	Opted in on first day of court tolling period.
17	Benjamin, Scott R	10/20/2004	194		194	4/10/2002	
18	Bond Jr, Joseph	10/21/2004	194		194	4/11/2002	Assumes consent form filed 10/21/04.
19	Bouchard, Christopher	8/18/2004	194		194	2/6/2002	
20	Bourbon, Stephen J	8/20/2004	194		194	2/8/2002	
21	Boyd, Frank	7/23/2004	194		194	1/11/2002	
22	Bradshaw, Douglas L	8/16/2004	194		194	2/4/2002	
23	Brannon, Jeffrey	8/13/2004	194		194	2/1/2002	
24	Brauer, David F	7/23/2004	194		194	1/11/2002	
25	Bright, Alan	9/3/2004	194		194	2/22/2002	

No.	Plaintiff	Consent to Sue Form Filed	# Days of Stipulated Tolling	# Days of Court Ordered Tolling	Total # Days of Tolling	2 Year SOL + Tolling Claim Commencement Date	Notes
26	Brown, Michael Anthony	7/25/2003	0		0	7/25/2001	Opted in prior to stipulated tolling agreement.
27	Bruening Sr., Robert O	10/20/2004	194		194	4/10/2002	
28	Brunson, Timothy D.	10/20/2004	194		194	4/10/2002	
29	Buckholz, Robert A	7/1/2004	194		194	12/20/2001	
30	Bullard, Edward B	7/1/2004	194		194	12/20/2001	
31	Burns, Daniel	7/1/2004	194		194	12/20/2001	
32	Caesar, Frank	7/23/2004	194		194	4/10/2002	
33	Cervantes, Asa	8/16/2004	194		194	2/4/2002	
34	Childs, Nathaniel J.	9/13/2004	194		194	3/4/2002	
35	Christison, Joel A	7/9/2004	194		194	12/28/2001	
36	Clements II, Herbert J.	9/13/2004	194	53	247	1/10/2002	Opted in during court tolling period.
37	Coffey, William	10/20/2004	194	90	284	1/10/2002	Opted in during court tolling period.
38	Cogdell, Don	1/18/2005	194	125	319	3/6/2002	Opted in after court tolling period closed.
39	Conley, Robert A.	10/20/2004	194		194	4/10/2002	
40	Costa, Mark	8/20/2004	194		194	2/8/2002	
41	Crane, James T.	10/26/2004	194		194	4/16/2002	
42	Cullen, Daniel	9/13/2004	194		194	3/4/2002	
43	Dahringer, Robert	10/25/2004	194		194	4/15/2002	
44	Davis Jr., Kenneth D.	10/20/2004	194	90	284	1/10/2002	Opted in during court tolling period.
45	Diffie, Kevin Ross	1/18/2005	194	125	319	3/6/2002	Opted in after court tolling period closed.
46	Ehredt, Michael D	7/23/2004	194		194	1/11/2002	
47	Eib, Larry L.	7/23/2004	194		194	1/11/2002	
48	English-Madison, Lillian	8/16/2004	194		194	2/4/2002	
49	Erbes, Gail L.	10/1/2004	194		194	3/22/2002	
50	Fedor, Dennis M.	8/18/2004	194		194	2/6/2002	
51	Fewox, Michael	10/20/2004	194		194	4/10/2002	
52	Fivecoate, Todd M.	10/21/2004	194		194	4/11/2002	
53	Flockhart, Craig	8/16/2004	194		194	2/4/2002	
54	Flores, Israel	10/20/2004	194		194	4/10/2002	

No.	Plaintiff	Consent to Sue Form Filed	# Days of Stipulated Tolling	# Days of Court Ordered Tolling	Total # Days of Tolling	2 Year SOL+ Tolling Claim Commencement Date	Notes
55	Foldesi, Joseph F.	7/1/2004	194		194	12/20/2001	
56	Forsythe, Billy K.	10/21/2004	194	91	285	1/10/2002	Opted in during court tolling period.
57	Fox, Franklin E.	8/12/2004	194		194	1/31/2002	
58	Fraley, Kevin	10/20/2004	194		194	4/10/2002	
59	Fuehring, Drew	11/18/2004	194		194	5/9/2002	
60	Gaddy, Kenneth M.	11/18/2004	194	119	313	1/10/2002	Opted in during court tolling period.
61	Gamble, Brian A	7/1/2004	194		194	12/20/2001	
62	Genslak, Frank J	1/14/2005	194	125	319	3/2/2002	Opted in after court tolling period closed.
63	Giordano, Mark F.	10/20/2004	194		194	4/10/2002	
64	Gregory, Dennis P.	7/9/2004	194		194	12/28/2001	
65	Guzzardo, Michael J.	8/24/2004	194		194	2/12/2002	
66	Hamilton, Anthony L.	10/8/2003	65		65	8/4/2001	Opted in during stipulated tolling period.
67	Hanson, Shawn	10/20/2004	194	90	284	1/10/2002	Opted in during court tolling period.
68	Heath, Russell	8/13/2004	194		194	2/1/2002	
69	Hebling, Mark	5/16/2003	0		0	5/16/2001	Opted in prior to stipulated tolling agreement.
70	Herriman, James L.	8/18/2004	194		194	2/6/2002	
71	Hischke, John E.	8/25/2004	194		194	2/13/2002	
72	Hoff, Lawrence J.	8/11/2004	194		194	1/30/2002	
73	Holmes, Anthony	8/11/2004	194		194	1/30/2002	
74	Hooper, Christopher	9/21/2004	194	61	255	1/10/2002	Opted in during court tolling period.
75	Howard, Gregory N.	1/3/2005	194	125	319	2/19/2002	
76	Huertas, Wilfredo	3/19/2003	0		0	3/19/2001	Opted in prior to stipulated tolling agreement.
77	Ireland, John M	8/11/2004	194	20	214	1/10/2002	Opted in during court tolling period.
78	Kamrad, Steven J.	10/20/2004	194		194	4/10/2002	
79	Kellogg, Ronald	8/16/2004	194	25	219	1/10/2002	Opted in during court tolling period.
80	King, Joseph	12/15/2004	194	125	319	1/31/2002	Opted in after court tolling period closed.
81	Kinman, John B.	9/13/2004	194	53	247	1/10/2002	Opted in during court tolling period.
82	Kraska, John	10/25/2004	194	95	289	1/10/2002	Opted in during court tolling period.
83	Kushner, Paul	9/21/2004	194		194	3/12/2002	



No.	Plaintiff	Consent to Sue Form Filed	# Days of Stipulated Tolling	# Days of Court Ordered Tolling	Total # Days of Tolling	2 Year SOL+ Tolling Claim Commencement Date	Notes
84	Laucella, Michael	8/20/2004	194		194	2/8/2002	
85	Lay, Sherry A.	8/16/2004	194		194	2/4/2002	
86	Lehr, Lyle A.	7/23/2004	194		194	1/11/2002	
87	Lightfoot, James E.	5/16/2003	0		0	5/16/2001	Opted in prior to stipulated tolling agreement.
88	Lombardo, Kathy	10/20/2004	194		194	4/10/2002	
89	Look Jr., Howard	9/3/2004	194	43	237	1/10/2002	Opted in during court tolling period.
90	Luke, Kenneth	8/16/2004	194	25	219	1/10/2002	Opted in during court tolling period.
91	Lyons, Billy Joe	11/18/2004	194		194	5/9/2002	
92	Maddox, Raymond	10/22/2004	194		194	4/12/2002	
93	Magdaleno, Luis M.	12/15/2004	194	125	319	1/31/2002	Opted in after court tolling period closed.
94	Martinez, John	12/15/2004	194	125	319	1/31/2002	Opted in after court tolling period closed.
95	Maye, Stanler	10/22/2004	194	92	286	1/10/2002	Opted in during court tolling period.
96	McAdams, Robert H.	12/15/2004	194		194	6/5/2002	
97	McMaster, Michael Patrick	10/20/2004	194		194	4/10/2002	
98	Micho, Wilfred	8/30/2004	194		194	2/18/2002	
99	Milz, Patrick	8/13/2004	194		194	2/1/2002	
100	Montgomery, Matthew P.	10/22/2004	194	92	286	1/10/2002	Opted in during court tolling period.
101	Nall, Eric	8/12/2004	194		194	1/31/2002	
102	Nichols, Jason S.	8/13/2004	194		194	2/1/2002	
103	Nijem, Hisham	1/18/2005	194		194	7/9/2002	
104	Ogle, Jesse	10/1/2004	194		194	3/22/2002	
105	Olson, Andrew M.	7/1/2004	194		194	12/20/2001	
106	Orgill, Thomas G.	10/8/2004	194	78	272	1/10/2002	Opted in during court tolling period.
107	Overstreet, Brandon	9/13/2004	194		194	3/4/2002	
108	Pawlowski, Dennis M.	10/1/2004	194		194	3/22/2002	
109	Pepper, Barney	8/17/2004	194		194	2/5/2002	
110	Perez Jr, Miguel	8/11/2004	194		194	1/30/2002	
111	Peterson, Daniel C.	8/12/2004	194		194	1/31/2002	
112	Phillips, Stanley N.	9/21/2004	194		194	3/12/2002	

No.	Plaintiff	Consent to Sue Form Filed	# Days of Stipulated Tolling	# Days of Court Ordered Tolling	Total # Days of Tolling	2 Year SOL + Tolling Claim Commencement Date	Notes
113	Pilon, Michael S.	7/1/2004	194		194	12/20/2001	
114	Prosser, Eric	7/23/2004	194		194	1/11/2002	
115	Pullaro, Alan	8/25/2004	194		194	2/13/2002	
116	Pynchon, Mark T.	10/20/2004	194		194	4/10/2002	
117	Ramirez, Robert	10/14/2003	71		71	8/4/2001	Opted in during stipulated tolling period.
118	Ramirez, Victor	7/1/2004	194		194	12/20/2001	
119	Ray, Richard T.	10/20/2004	194		194	4/10/2002	
120	Reed, Larky D.	9/13/2004	194		194	3/4/2002	
121	Robinson, John	1/14/2005	194	125	319	3/2/2002	Opted in after court tolling period closed.
122	Rodriguez, Gilbert	8/20/2004	194		194	2/8/2002	
123	Rowse, Mark	1/10/2005	194		194	7/1/2002	
124	Runyan Jr, Warren R.	10/20/2004	194	90	284	1/10/2002	Opted in during court tolling period.
125	Samuels, Derrick	3/19/2003	0		0	3/19/2001	Opted in prior to stipulated tolling agreement.
126	Schroeder, Christopher	7/1/2004	194		194	12/20/2001	
127	Schultz, Dennis D.	7/23/2004	194	1	195	1/10/2002	Opted in on first day of court tolling period.
128	Schwall, Jonathan D.	10/25/2004	194		194	4/15/2002	
129	Scott, Derrick	8/12/2004	194		194	1/31/2002	
130	Seath, Scott J.	5/16/2003	0		0	5/16/2001	Opted in prior to stipulated tolling agreement.
131	Sharp, Stephen W.	10/20/2004	194		194	4/10/2002	
132	Shrake, Randal	9/21/2004	194	61	255	1/10/2002	Opted in during court tolling period.
133	Sims, Scott Alan	7/1/2004	194		194	12/20/2001	
134	Smith, James A.	7/1/2004	194		194	12/20/2001	
135	Smith, Kelly	3/19/2003	0		0	3/19/2001	Opted in prior to stipulated tolling agreement.
136	Sorbicki, Richard C.	10/20/2004	194		194	4/10/2002	
137	Spillner, Robert	7/1/2004	194		194	12/20/2001	
138	Stachnik, Leonard J.	10/20/2004	194		194	4/10/2002	
139	Stacy, Jerry Wayne	10/20/2004	194	90	284	1/10/2002	Opted in during court tolling period.
140	Stennen, Jimmie L.	10/20/2004	194		194	4/10/2002	
141	Stephens, Charles T.	9/21/2004	194		194	3/12/2002	

No.	Plaintiff	Consent to Sue Form Filed	# Days of Stipulated Tolling	# Days of Court Ordered Tolling	Total # Days of Tolling	2 Year SOL + Tolling Claim Commencement Date	Notes
142	Tarango, Jose	10/20/2004	194	90	284	1/10/2002	Opted in during court tolling period.
143	Tessier, Bruce	10/1/2004	194		194	3/22/2002	
144	Thomas, Dwight	7/23/2004	194		194	1/11/2002	
145	Towne, Don Thomas	10/20/2004	194		194	4/10/2002	
146	Trevathan, Jerry	7/1/2004	194		194	12/20/2001	
147	Tubergen, Jack	10/21/2004	194		194	4/11/2002	
148	Tully, Patrick A.	9/21/2004	194	61	255	1/10/2002	Opted in during court tolling period.
149	Vergara, Jesus	8/11/2004	194		194	1/30/2002	
150	Viramontes, Jesus	8/30/2004	194		194	2/18/2002	
151	Vowell, Dal	10/20/2004	194		194	4/10/2002	
152	Wagner, Randall D.	7/23/2004	194		194	1/11/2002	
153	Wait, Christine	1/10/2005	194	125	319	2/26/2002	
154	Walker Jr, John D.	1/21/2005	194	125	319	3/9/2002	
155	Walker, Brad A.	10/20/2004	194		194	4/10/2002	
156	Walker, James	10/8/2004	194	78	272	1/10/2002	Opted in during court tolling period.
157	Wallace, Steven	10/20/2004	194		194	4/10/2002	
158	Washington, A.J.	11/18/2004	194		194	5/9/2002	
159	Washkuhn, Eric A.	7/23/2004	194	1	195	1/10/2002	Opted in on first day of court tolling period.
160	Watkins, Randy	8/18/2004	194		194	2/6/2002	
161	Watson, Gene	10/25/2004	194		194	4/15/2002	
162	Watwood, Victor	7/9/2004	194		194	12/28/2001	
163	Welch, Steven	1/18/2005	194		194	7/9/2002	
164	Wendt Jr, Jesse L.	10/8/2004	194	78	272	1/10/2002	Opted in during court tolling period.
165	Wheeler-Robinson, Deborah	9/3/2004	194		194	2/22/2002	
166	White, James W.	1/14/2005	194	125	319	3/2/2002	Opted in after court tolling period closed.
167	White, Kevin A.	8/18/2004	194		194	2/6/2002	
168	Williams, Ronald J.	10/25/2004	194		194	4/15/2002	
169	Wilson, Richard	8/18/2004	194		194	2/6/2002	
170	Wilson, Robert J.	10/20/2004	194		194	4/10/2002	

No.	Plaintiff	Consent to Sue Form Filed	# Days of Stipulated Tolling	# Days of Court Ordered Tolling	Total # Days of Tolling	2 Year SOL+ Tolling Claim Commencement Date	Notes
171	Wittersheim, Timothy M.	10/25/2004	194		194	4/15/2002	
172	Wojciechowski, Mark	9/3/2004	194		194	2/22/2002	
173	Wright, Gary D.	1/10/2005	194	125	319	2/26/2002	Opted in after court tolling period closed.
174	Young, Matthew	10/8/2004	194	78	272	1/10/2002	Opted in during court tolling period.
175	Young, Roger C.	10/20/2004	194		194	4/10/2002	
176	Yount, Terry	8/20/2004	194		194	2/8/2002	