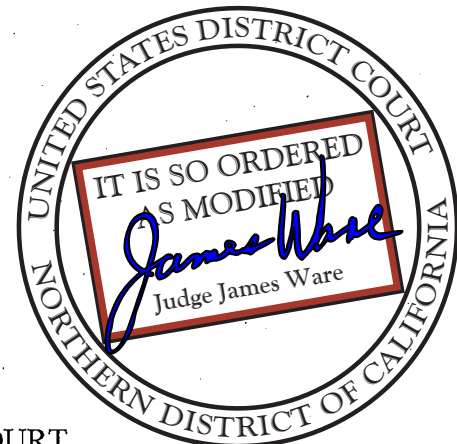


1 Teresa S. Renaker – CA State Bar No. 187800
 trenaker@lewisfeinberg.com
 2 Catha Worthman – CA State Bar No. 230399
 cworthman@lewisfeinberg.com
 3 LEWIS, FEINBERG, LEE, RENAKER & JACKSON, P.C.
 476 9th Street
 4 Oakland, CA 94609
 Telephone: (510) 839 6824
 5 Facsimile: (510) 839 7839

6 Steven M. Tindall – CA State Bar No. 187862
 steventindall@rhdtdlaw.com
 7 Carole Vigne -- CA State Bar No. 251829
 carolevigne@rhdtdlaw.com
 8 Rukin Hyland Doria & Tindall LLP
 100 Pine Street, Suite 2150
 9 San Francisco, CA 94111
 Telephone: (415) 421-1800
 10 Facsimile: (415) 421-1700
 Attorneys for Plaintiffs

11 Robert E. Mangels – CA State Bar No. 48291
 RMangels@jmbm.com
 12 Susan Allison – CA State Bar No. 133448
 SAllison@jmbm.com
 13 Jeffer, Mangels, Butler & Marmaro LLP
 14 1900 Avenue of the Stars, 7th Floor
 Los Angeles, California 90067
 15 Telephone: (310) 785-5303
 Facsimile: (310) 712-3303
 16 Attorneys for Defendant



17 UNITED STATES DISTRICT COURT
 18 NORTHERN DISTRICT OF CALIFORNIA

3/21/2011

19 THOMAS A. PAULSEN, et al.,
 20
 21 Plaintiffs,
 22
 23 v.
 24 CNF, INC., et al.,
 25 Defendants.

CASE NO. C 03-03960 JW (PSG)

**NOTICE OF SETTLEMENT AND JOINT
 STIPULATION AND [PROPOSED] ORDER
 REGARDING TRIAL AND DISPOSITIVE
 AND EXPERT MOTIONS HEARING**

Place: Courtroom 8
 Judge: Honorable James Ware

1 WHEREAS, pursuant to a stipulation of the parties, the Court entered an Order on February
2 28, 2011, setting the jury trial in this matter for June 7, 2011 (Docket No. 313);

3 WHEREAS, pursuant to a stipulation of the parties, the Court entered a scheduling order in
4 this matter on January 28, 2011 (Docket No. 279), which re-set the hearing for dispositive and
5 expert motions for April 4, 2011 to allow the parties to attempt to resolve the case through a second
6 day of mediation with Hon. Edward Infante (Ret.) as the mediator;

7 WHEREAS, Plaintiffs filed a motion to compel or for sanctions against Defendant (Docket
8 Nos. 254, 259, and 276), which has been briefed and heard by the Magistrate Judge but has not yet
9 been decided;

10 WHEREAS, the parties mediated the case with Judge Infante on March 14, 2011;

11 WHEREAS, on March 14, 2011, the parties agreed to terms under which, subject to Court
12 approval, the case would be resolved in its entirety;

13 WHEREAS, the parties will focus in the coming weeks on documenting the terms of the
14 settlement in a formal settlement agreement and preparing a motion for preliminary approval of the
15 class action settlement, along with supporting documents;

16 WHEREAS, the parties believe it is in the interests of judicial and administrative efficiency
17 and it will foster the settlement of the case to continue all hearings in the case as well as the trial in
18 the case until the Court determines whether to grant preliminary and final approval to the class
19 action settlement reached by the parties;

20 IT IS HEREBY AGREED AND STIPULATED BY THE PARTIES, if the Court approves,
21 as follows:

22 1. The April 4, 2011 hearing for the dispositive and expert motions shall be taken off
23 calendar pending a determination by the Court whether to approve the class action settlement in this
24 action.

25 2. The trial in this matter shall be taken off calendar pending a determination by the
26 Court whether to approve the class action settlement in this action.

1 3. Neither the Magistrate Judge nor the District Court Judge will issue a ruling on
2 Plaintiffs' pending motion to compel (Docket Nos. 254, 259, and 276) pending a determination by
3 the Court whether to approve the class action settlement in this action.

4 4. If the Court ultimately decides not to approve the class action settlement in this
5 action, the Court shall set a Case Management Conference at which the parties and the Court will
6 discuss a schedule for hearing the pending motions and conducting the trial in this matter.

7
8 DATED: March 16, 2011

Respectfully submitted,

9 LEWIS, FEINBERG, LEE, RENAKER & JACKSON, P.C.
10 TERESA S. RENAKER
11 CATHA WORTHMAN

12 By: /s/ Teresa S. Renaker
13 TERESA S. RENAKER

14
15 DATED: March 16, 2011

RUKIN HYLAND DORIA & TINDALL LLP
STEVEN M. TINDALL
CAROLE VIGNE

16 By: /s/ Steven M. Tindall
17 STEVEN M. TINDALL

Attorneys for Plaintiffs

18
19 DATED: March 16, 2011

JEFFER, MANGELS, BUTLER & MARMARO LLP
ROBERT R. MANGELS
SUSAN ALLISON

20 By: /s/ Susan Allison
21 SUSAN ALLISON

22 Attorneys for Defendant
23 TOWERS PERRIN FORSTER & CROSBY, INC.

24 I hereby attest that I have on file all holograph signatures for any signatures indicated by a
25 "conformed" signature (/S/) within this e-filed document.

26 By: /s/ Carole Vigne

27 CAROLE VIGNE
28 RUKIN HYLAND DORIA & TINDALL LLP
Attorney for Plaintiffs

1
2 **PROPOSED ORDER**

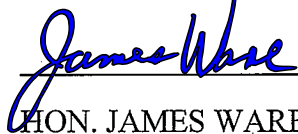
3 Pursuant to the stipulation of the parties and the notice of settlement of this action:

- 4 1. The hearing for the dispositive and expert motions shall be taken off calendar,
5 pending a determination by the Court whether to approve the class action settlement in this action;
6 2. The trial in this matter shall be taken off calendar pending a determination by the
7 Court whether to approve the class action settlement in this action;
8 3. Neither the Magistrate Judge nor this Court will issue a ruling on Plaintiffs' pending
9 motion to compel (Docket Nos. 254, 259, and 276) pending a determination by the Court whether to
10 approve the class action settlement in this action.

11 If the Court ultimately decides not to approve the class action settlement in this action, the
12 Court shall set a Case Management Conference at which the parties and the Court will discuss a
13 schedule for hearing the pending motions and conducting the trial in this matter.

14 The Court sets **April 25, 2011 at 9 a.m.** for a Hearing on Preliminary Approval of Class
15 Settlement. Because the Court must maintain its docket, all pending Motions are deemed as
16 "withdrawn" and shall be terminated by the Clerk of Court. The parties may renote their Motions
17 should the settlement not be finalized.

18 DATED: March 21, 2011



HON. JAMES WARE
Chief Judge, United States District Court