

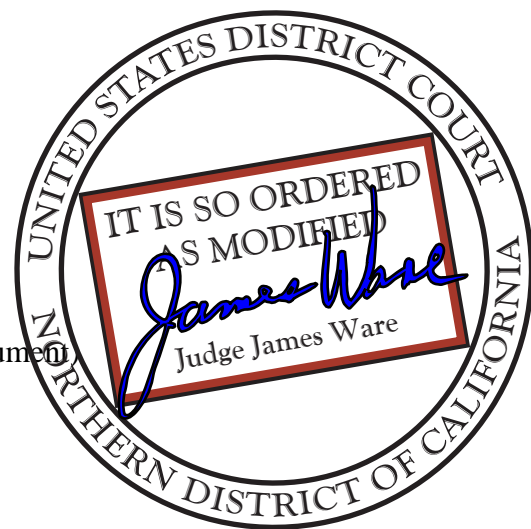
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BIMBO BAKERIES USA., INC.



UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

In re BIMBO BAKERIES USA FLSA
ACTIONS,

No. C 05 00829 (JW)

**STIPULATION AND [PROPOSED]
ORDER FOR WITHHOLDING
DECISION ON CERTIFICATION-
RELATED MOTIONS**

1 Plaintiffs Leonard, Bradaric, Hoskins, Newman, Herr, Harrison, Jeter, Motte, Morrison,
2 Castro and Terusa, and Defendant Bimbo Bakeries USA, Inc., being all the parties of record in
3 this action, stipulate as set forth in the “STIPULATION” portion of this document below, based
4 on the following circumstances:

5 The Court has under submission three certification-related motions, namely (a)
6 Defendants’ Motion to Decertify Plaintiffs’ Claims Under the Fair Labor Standards Act: (b)
7 Defendants’ Motion for an Order That Action Cannot Be Maintained as a Class Action; and (c)
8 Plaintiffs’ Motion for Class Certification under Fed. Rule of Civ. Pro. 23.

9 The parties have agreed to mediate. They have selected a mediator, Hon. William J.
10 Cahill, retired from the San Francisco Superior Court. Mediation has been scheduled for August
11 5, 2009.

12 In order to prepare for and participate in the mediation, the parties agree that deferral of a
13 ruling on the pending certification-related motions would be beneficial to the mediation process.
14 Therefore, by this stipulation the parties request that the Court withhold decision on the
15 certification-related motions until after mediation and execution of a settlement agreement, if
16 any, as stated below.

17 STIPULATION

18 Wherefore, ALL PARTIES OF RECORD STIPULATE that the Court order as follows
19 with respect to the three Certification-Related Motions, namely (a) Defendants’ Motion to
20 Decertify Plaintiffs’ Claims Under the Fair Labor Standards Act: (b) Defendants’ Motion for
21 an Order That Action Cannot Be Maintained as a Class Action; and (a) Plaintiffs’ Motion for
22 Class Certification under Fed. Rule of Civ. Pro. 23:

23 1. The Court will not issue a decision on any of the Certification-Related Motions
24 until after Monday, August 12, 2009 (which is one week after the scheduled mediation). The
25 Certification-Related Motions are: (a) Defendants’ Motion to Decertify Plaintiffs’ Claims Under
26 the Fair Labor Standards Act: (b) Defendants’ Motion for an Order That Action Cannot Be

1 Maintained as a Class Action; and (c) Plaintiffs' Motion for Class Certification under Fed. Rule
2 of Civ. Pro. 23

3 2. HOWEVER if the parties notify the Court on or before August 12, 2009, that a
4 settlement was reached at the mediation or that they are continuing settlement discussions as a
5 result of progress made at the mediation, that they need additional time to negotiate and/or
6 prepare and execute a definitive settlement agreement, and that they wish the Court to not to
7 issue any decision on the Certification-Related Motions for an additional period of time, the
8 Court will consider that request.

9 July 1, 2009

Spiro Moss LLP

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11 By: _____/s/_____
IRA SPIRO
Attorneys for Plaintiffs

12
13 July 1, 2009

BINGHAM McCUTCHEN LLP

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1 ~~PROPOSED~~ ORDER

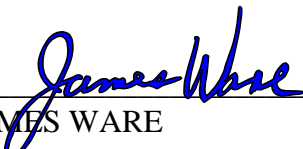
2 Good cause appearing, IT IS HEREBY ORDERED AS SET FORTH IN
3 PARAGRAPHS 1 AND 2 ABOVE, which paragraphs are duplicated below, to wit:

4 1. The Court will not issue a decision on any of the Certification-Related Motions
5 until after Monday, August 12, 2009 (which is one week after the scheduled mediation). The
6 Certification-Related Motions are: (a) Defendants' Motion to Decertify Plaintiffs' Claims Under
7 the Fair Labor Standards Act; (b) Defendants' Motion for an Order That Action Cannot Be
8 Maintained as a Class Action; and (c) Plaintiffs' Motion for Class Certification under Fed. Rule
9 of Civ. Pro. 23.

10 2. HOWEVER if the parties notify the Court on or before August 12, 2009, that a
11 settlement was reached at the mediation or that they are continuing settlement discussions as a
12 result of progress made at the mediation, that they need additional time to negotiate and/or
13 prepare and execute a definitive settlement agreement, and that they wish the Court to not to
14 issue any decision on the Certification-Related Motions for an additional period of time, the
15 Court will consider that request.

16 On or before **August 12, 2009**, the parties shall file a Joint Status Statement informing the
17 Court as to their mediation efforts. If additional time is requested for the purposes of negotiating
18 or preparing a definitive settlement agreement, the Court reserves the right to terminate these
19 pending Motions to clear its docket.

20 Dated: July 14, 2009



JAMES WARE
United States District Judge