SPIRO MOSS LLP 1 Ira Spiro, State Bar No. 67641 2 ira@spiromoss.com Dennis F. Moss IT IS SO ORDEREI 3 dennisfmoss@yahoo.com 11377 W. Olympic Blvd. Fifth Floor 4 Los Angeles, CA 90064 Tel (310) 235-2468, Fax (310) 235-2456 5 Judge James Attorneys for Plaintiffs Thomas Leonard et al. 6 7 BINGHAM MCCUTCHEN LLP WENDY M. LAZERSON (SBN 97285) 8 CAROLYN B. HALL (SBN 212311) 1900 University Avenue 9 East Palo Alto, CA 94303-2223 Telephone: (650) 849-4400 10 Facsimile: (650) 849-4800 wendy.lazerson@bingham.com 11 carolyn.hall@bingham.com **Attorneys for Defendants 12** BIMBO BAKERIES USA., INC. 13 UNITED STATES DISTRICT COURT 14 **15** NORTHERN DISTRICT OF CALIFORNIA 16 SAN JOSE DIVISION **17** No. C 05 00829 (JW) In re BIMBO BAKERIES USA FLSA 18 ACTIONS, FURTHER JOINT REPORT RE MEDIATION; PROPOSAL FOR 19 **FURTHER PROCEEDINGS** 20 21 The Court ordered the parties to report on the results of the mediation by August 22 12, 2009 and granted an extension to August 31, 2009 by order dated August 20, 2009, and a 23 further extension to September 9, 2009 by order dated September 3, 2009. On September 9, 24 2009, counsel for the parties filed a Further Joint Report to inform the Court that the parties were 25 discussing having another mediation session next week. **26** No. C 05 00829 (JW)

FURTHER JOINT REPORT RE MEDIATION

1	Pursuant to stipulation, to allow the parties an opportunity to mediate, the Court
2	stayed its decision regarding the three pending certification-related motions, which include the
3	parties' cross-motions regarding class certification under Rule 23 of the Federal Rules of Civil
4	Procedure and defendants' motion for decertification of the conditionally-certified FLSA class.
5	The parties participated in a full-day mediation in San Francisco on August 5,
6	2009 presided over by retired Superior Court Judge William J. Cahill at JAMS.
7	The parties have agreed to have another mediation session on Wednesday,
8	September 16, 2009.
9	Therefore, the parties propose the following:
10	1. That by Friday, September 18, 2009, the parties report to the Court
11	concerning the status of settlement negotiations.
12	2. That the Court continue to withhold decision on the three certification-
13	related motions until Monday, September 21, 2009.
14	Dated: September 10, 2009 SPIRO MOSS LLP
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16	By: <u>/s/</u> IRA SPIRO
17	Attorneys for Plaintiffs
18	Dated: September 10, 2009 BINGHAM McCUTCHEN LLP
19	By: /s/
20	WENDY M. LAZERSON Attorneys for Defendant
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FURTHER JOINT REPORT RE MEDIATION