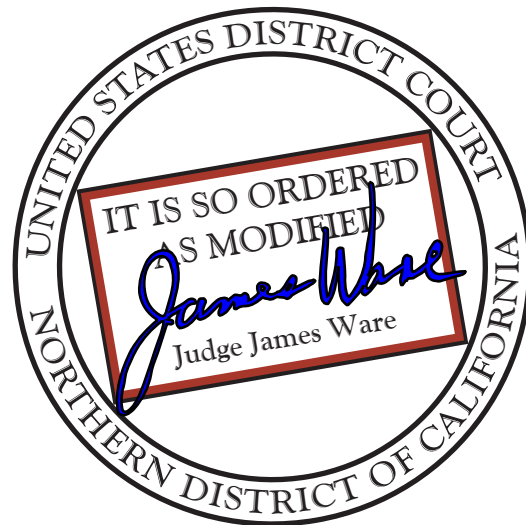


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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

In re BIMBO BAKERIES USA FLSA
ACTIONS,

No. C 05 00829 (JW)

**ORDER TERMINATION MOTIONS;
SETTING STATUS CONFERENCE
RE: SETTLEMENT**

The Court ordered the parties to report on the results of the mediation by August 12, 2009 and granted an extension to August 31, 2009 by order dated August 20, 2009; a further extension to September 9, 2009 by order dated September 3, 2009; and a further extension to September 18, 2009 by order dated September 11, 2009.

Pursuant to stipulation, to allow the parties an opportunity to mediate, the Court stayed its decision regarding the three pending certification-related motions, which include the

No. C 05 00829 (JW)

FURTHER JOINT REPORT RE MEDIATION

1 parties' cross-motions regarding class certification under Rule 23 of the Federal Rules of Civil
2 Procedure and defendants' motion for decertification of the conditionally-certified FLSA class.

3 The parties participated in a full-day mediation in San Francisco on August 5,
4 2009 presided over by retired Superior Court Judge William J. Cahill at JAMS. The parties
5 participated in another full-day mediation in San Francisco on September 16, 2009 presided over
6 by mediator Mark S. Rudy, Esq.

7 The parties report the following to the Court:

- 8 1. The parties have reached an agreement as a result of mediation.
9 2. The parties request that the Court not rule on the three certification-related
10 motions.
11 3. The parties will submit a stipulation to settlement within thirty days.

12 Dated: September 18, 2009

SPIRO MOSS LLP

13
14 By: /s/
IRA SPIRO
15 Attorneys for Plaintiffs

16 Dated: September 18, 2009


BINGHAM McCUTCHEN LLP

17
18 By: /s/
WENDY M. LAZERSON
19 Attorneys for Defendant

20 *** ORDER ***

21 In light of the parties' representation, the Court finds good cause to vacate all pretrial and trial
22 conferences and deadlines. In addition, the Court deems all pending Motions as withdrawn and orders
23 the Clerk of Court to terminate them from the docket. (Docket Item Nos. 421, 424, 428.) The Court
24 sets a Status Conference re: Settlement for **October 26, 2009 at 10 a.m.** On or before **October 16,**
2009, the parties shall either file a Joint Status Report or Motion for Approval of Settlement.

25 Dated: September 30, 2009

26 
JAMES WARE
United States District Judge