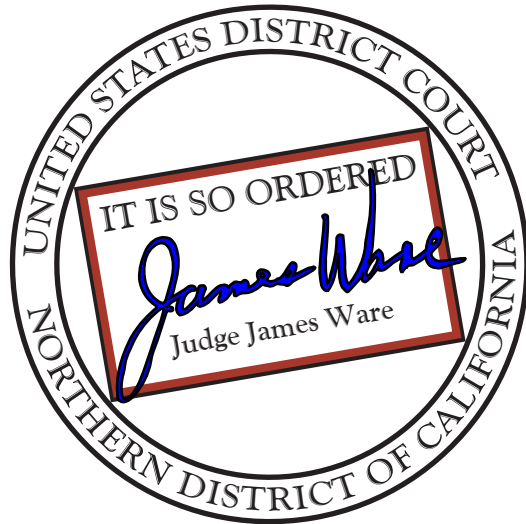


1 Wendy M. Lazerson (SBN 97285)
 Carolyn B. Hall (SBN 212311)
 2 BINGHAM MCCUTCHEN LLP
 1900 University Avenue
 3 East Palo Alto, CA 94303-2223
 Telephone: (650) 849-4400
 4 Facsimile: (650) 849-4800

5 Attorneys for Defendant
 BIMBO BAKERIES USA, INC.

7
 8 SPIRO MOSS BARNES LLP
 Ira Spiro, State Bar No. 67641
 ira@spiromoss.com
 9 11377 W. Olympic Blvd. Fifth Floor
 Los Angeles, CA 90064
 10 Tel (310) 235-2468, Fax (310) 235-2456

11 Attorneys for Plaintiffs Thomas Leonard *et al.*
 (Additional Attorneys for Plaintiffs at End of Document)



13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA
 15 SAN JOSE DIVISION

17
 18 In re BIMBO BAKERIES USA FLSA
 19 ACTIONS

No. C 05 00829 (JW)

STIPULATION AND [PROPOSED]
ORDER FOR CONTINUANCE TO
DECEMBER 21, 2009 OF HEARING
DATE FOR MOTION FOR
PRELIMINARY APPROVAL OF
SETTLEMENT

22 Complaint filed: February 25, 2005
 23 Judge: Hon. JAMES WARE

CASE NO. 05-00829

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

5 As the parties have previously jointly reported to the Court, the parties
6 participated in two full-day mediations, on August 5, 2009 and September 16, 2009, respectively,
7 which resulted in agreement on the material terms of a settlement, and the parties have been
8 working on drafting and revising the written settlement agreement. Based on the parties’
9 representation as to the progress in resolving their remaining disputes over language in the
10 settlement agreement, the Court continued the Status Conference several times, most recently
11 setting it for December 7, 2009. On December 3, 2009, the Court issued an order vacating the
12 December 7, 2009 Status Conference and setting a hearing on the anticipated Motion for
13 Preliminary Approval of Settlement for December 14, 2009, ordering the parties to file by
14 December 7, 2009 all necessary briefs and proposed orders for the Court’s consideration.

15 Counsel for Plaintiffs, Ira Spiro, has commitments to attend, as counsel, hearings
16 set in two different courts in Southern California on December 14, 2009. Accordingly, the
17 parties request the hearing on the Motion for Preliminary Approval of Settlement be continued to
18 December 21, 2009 with all necessary briefs and proposed orders filed on or before December
19 14, 2009.

20 //

21 //

22 //

23 //

24 //

25 //

26 //

1 STIPULATION

2 In view of the foregoing:

3 IT IS THEREFORE STIPULATED BY ALL PARTIES as follows:

4 The parties stipulate that the hearing on the Motion for Preliminary Approval of
5 Settlement shall be continued from December 14, 2009 at 9:00 a.m. to December 21, 2009 at
6 9:00 a.m. or a time more convenient for the Court. The parties further stipulate that all necessary
7 briefs and proposed orders shall be filed on or before December 14, 2009.

8 DATED: December 3, 2009

BINGHAM MCCUTCHEN LLP

9 By: /s/

10 _____
11 Wendy M. Lazerson
12 Attorneys for Defendant

13 DATED: December 3, 2009

SPIRO MOSS BARNES HARRISON & BARGE LLP

14 By: /s/

15 _____
16 Ira Spiro
17 Attorneys for Plaintiffs

18 **Additional Attorneys for Plaintiffs are listed below:**

19 LANGFORD & LANGFORD, a PLC
20 Michael S. Langford (SBN 125756)
21 24681 La Plaza, Suite 220
22 Dana Point, California 92629
23 mklangford@aol.com
24 Telephone: (949)545-6540
25 Fax: (949) 545-6541
26 Attorneys for Kathleen Morrison *et al.*

GIGLIOTTI & GIGLIOTTO, L.L.P
Joseph J. Gigliotti (SBN 144979)
gigliottilaw@msn.com
434 East Chapman Avenue
Fullerton, California 92832
Telephone: (714) 879-1712
Fax: (714) 879-3429
Attorneys for Kathleen Morrison *et al.*

22 WALSH & WALSH, PC
23 Michael J. Walsh (SBN 155401)
24 michaeljwalshesq@aol.com
25 420 Exchange, Suite 270
26 Irvine, California 92602
Telephone: (714) 544-6609
Fax: (714) 544-6621
Attorneys for Kathleen Morrison *et al.*

GINEZ, STEINMETZ & ASSOCIATES
Rudy Ginez, Jr. (SBN 84978)
926 North Flower Street
Santa Ana, California 92703
Telephone: (714) 541-2251
Fax: (714) 541-5807
Attorneys for Kathleen Morrison *et al.*

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

ORDER

Good cause appearing, IT IS HEREBY ORDERED AS FOLLOWS:

The hearing on the Motion for Preliminary Approval of Settlement shall take place on Monday, **December 21, 2009 at 9 a.m.** On or before December 14, 2009, the parties shall file all necessary briefs and proposed orders for the Court's consideration.

Dated: December 7, 2009



HON. JAMES WARE
United States District Judge