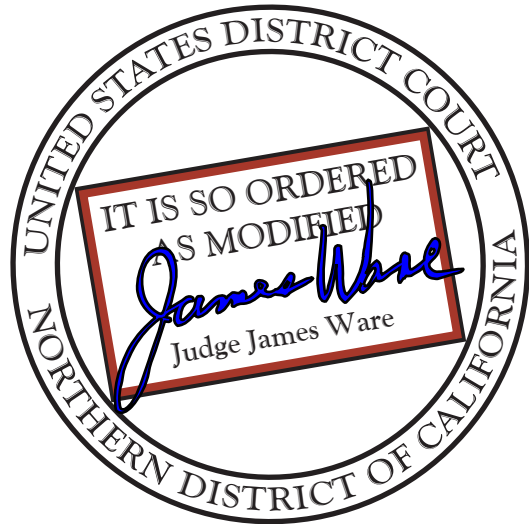


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13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA
 15 SAN JOSE DIVISION

17
 18 In re BIMBO BAKERIES USA FLSA
 ACTIONS

No. C 05 00829 (JW)

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

Complaint filed: February 25, 2005
 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. On
15 December 3, 2009, the parties requested a further continuance to December 21, 2009. On
16 December 7, 2009, the Court issued an order continuing the hearing to December 21, 2009,
17 ordering the parties to file all necessary briefs and proposed orders on December 14, 2009.

18 The parties have been working a great deal on the settlement documents, and
19 counsel for plaintiffs report they have worked a great deal on the motion for preliminary
20 approval. Counsel for plaintiffs and defendant were e-mailing each other during this past
21 weekend concerning settlement documents. The parties are very close to finalizing the
22 settlement documents, but they are not finalized and ready to be filed by December 14, 2009.
23 Plaintiffs expect to distribute the draft motion for approval promptly upon the full execution of
24 the agreement, and defendant wishes to review the draft motion for preliminary approval before
25 it is filed. Accordingly, the parties respectfully request a further continuance of the hearing on
26 the Motion for Preliminary Approval of Settlement.

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ORDER

Good cause appearing, IT IS HEREBY ORDERED AS FOLLOWS:

The hearing on the Motion for Preliminary Approval of Settlement ;
continued from December 21, 2009 to **January 25, 2010 at 9 a.m.** On or before **January 15, 2009**,
the parties shall file all the necessary briefs and proposed orders for the Court's consideration.

Dated: December 16, 2009



HON. JAMES WARE
United States District Judge