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6			allare E	
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12	(**************************************			
13	UNITED STATES DISTRICT COURT			
14	NORTHERN DISTRICT OF CALIFORNIA			
15	SAN JOSE DIVISION			
16				
17		No. C 05 00829 (.	JW)	
18	In re BIMBO BAKERIES USA FLSA ACTIONS	AMENDED STI [P ROP OSED] O	PULATION AND RDFR FOR	
19	ACTIONS	CONTINUANCE OF DECEMBER 21, 2009 HEARING DATE FOR		
20		MOTION FOR I		
21				
22		Complaint filed: Judge:	February 25, 2005 Hon. JAMES WARE	
23		Judge.		
24				
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CASE NO. 05-00829

AMENDED STIPULATION & [PROPOSED] ORDER FOR CONTINUANCE OF HEARING ON MOTION FOR PRELIMINARY APPROVAL OF SETTLEMENT

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

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.

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 21, 2009 at 9:00 a.m. to the Court's next available		
6	hearing date. The parties further stipulate that the Motion for Preliminary Approval and all		
7	necessary briefs and proposed orders shall be filed on or before the date the Court sets		
8	corresponding to the continued hearing date.		
9	DATED: December 15, 2000	BINGHAM MCCUTCHEN LLP	
10	DATED: December 15, 2009	BINGHAM MCCUTCHEN LLP	
11		By: <u>/s/</u> Carolyn B. Hall	
12		Carolyn B. Hall Attorneys for Defendant	
13	DATED: December 15, 2009	SPIRO MOSS BARNESS HARRISON & BARGE LLP	
14			
15		By: <u>/s/</u> Ira Spiro	
16		Attorneys for Plaintiffs	
17	Additional Attorneys for Plaintiffs are listed below:		
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22	•		
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26	Fax: (714) 544-6621 Attorneys for Kathleen Morrison <i>et al</i> .	Attorneys for Kathleen Morrison et al.	

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2	<u>ORDER</u>		
3	Good cause appearing, IT IS HEREBY ORDERED AS FOLLOWS:		
4	The hearing on the Motion for Preliminary Approval of Settlement		
5	continued from December 21, 2009 to January 25, 2010 at 9 a.m. On or before January 15, 2009		
6	the parties shall file all the necessary briefs and proposed orders for the Court's consideration.		
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9	Dated: December 16, 2009		
10	Unded States District Judge		
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