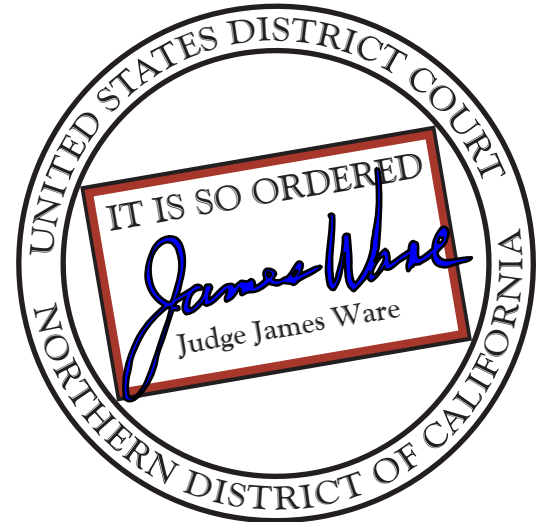


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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

In re BIMBO BAKERIES USA FLSA  
ACTIONS

No. C 05 00829 (JW)

**STIPULATION AND [PROPOSED]**  
**ORDER FOR TELEPHONIC**  
**APPEARANCE AT FEBRUARY 8,**  
**2010 HEARING DATE ON JOINT**  
**MOTION FOR PRELIMINARY**  
**APPROVAL OF SETTLEMENT**

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

CASE NO. 05-00829

STIPULATION & [PROPOSED] ORDER FOR TELEPHONIC APPEARANCE AT 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                   On January 19, 2010, the Court issued an order continuing the hearing on the  
6 motion for preliminary approval of settlement to February 8, 2010 and directed to parties to file  
7 their Joint Motion for Approval of Settlement and Proposed Order by January 29, 2010. The  
8 parties filed the Joint Motion for Preliminary Approval of Settlement and all related papers and  
9 proposed orders on January 29, 2010. On the date currently set for hearing on the joint motion,  
10 February 8, 2010 commencing at 9:00 a.m., counsel for defendant BBU must attend and take a  
11 deposition in San Diego, California pursuant to an order by Magistrate Judge Louisa S. Porter of  
12 the United States District Court for the Southern District of California in the matter styled  
13 *Carlotta Blount v. ADP, Inc., et al.*, Case No. 09-cv-1668-JAH (POR). An additional deposition  
14 subject to Magistrate Porter’s order in the *Blount* matter is set for February 22, 2010  
15 commencing at 9:00 a.m. in San Diego. Counsel for all the parties are available on February 15,  
16 2010, however, that is a court holiday. Counsel for plaintiffs have a trial commencing on March  
17 1, 2010 at 9:00 a.m. in the San Bernardino County Superior Court. The first Monday date that  
18 all parties are available is March 15, 2010.

19                   The Court has indicated that under the circumstances it will permit the parties to  
20 appear telephonically on February 8, 2010 at 9:00 a.m. The parties agree to appear  
21 telephonically on February 8, 2010 at 9:00 a.m. and each party agrees to arrange for their  
22 telephonic appearance through Court Call Phone Conferencing.

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 to a telephonic appearance at the hearing on the Joint Motion  
5 for Preliminary Approval of Settlement on February 8, 2010 at 9:00 a.m.

6 DATED: February 4, 2010

BINGHAM MCCUTCHEN LLP

8 By: /s/

9 Wendy M. Lazerson  
Attorneys for Defendant

10 DATED: February 4, 2010

SPIRO MOSS BARNES HARRISON & BARGE LLP

12 By: /s/

13 Ira Spiro  
Attorneys for Plaintiffs

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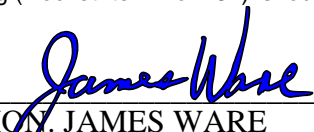
**ORDER**

Good cause appearing, IT IS HEREBY ORDERED AS FOLLOWS:

The Court will permit the parties to appear telephonically at the hearing on the Joint Motion for Preliminary Approval of Settlement on February 8, 2010 at 9:00 a.m. Counsel for the parties are directed to schedule their telephonic appearances through Court Call Phone Conferencing.

The Stipulation to Continue the February 8, 2010 hearing (Docket Item No. 487) is found as MOOT.

Dated: February <sup>4</sup>, 2010

  
\_\_\_\_\_  
HON. JAMES WARE  
United States District Judge