

1 RICHARD DOYLE, City Attorney (#88625)
 NORA FRIMANN, Assistant City Attorney (#93249)
 2 ROBERT FABELA, Sr. Deputy City Attorney (#148098)
 Office of the City Attorney
 3 200 East Santa Clara Street
 San José, California 95113-1905
 4 Telephone Number: (408) 535-1900
 Facsimile Number: (408) 998-3131
 5 E-Mail Address: cao.main@sanjoseca.gov

6 Attorneys for CITY OF SAN JOSE

7
 8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10 SAN JOSE DIVISION

12 JEFFREY WELCH, GLEN BISHIP,
 MITCHELL WITSINSKI, ROBERT
 13 CULBERTSON and other employees
 similarly situated,

14 Plaintiffs,

15 v.

17 CITY OF SAN JOSE,

18 Defendant.

Case Number: C08-02132 JW

**STIPULATION AND [PROPOSED]
 ORDER RE: SETTLEMENT OF FLSA
 CLAIM**

20 WHEREAS, this is a Fair Labor and Standards Act (“FLSA”) case in which the
 21 Plaintiffs are asserting, based on several different theories, that Defendant City of San Jose
 22 has not paid Plaintiff firefighters overtime consistent with the FLSA for the last several years;

23 WHEREAS, the City denies these allegations;

24 WHEREAS, the parties agree that the further pursuit of this action would not be of
 25 benefit to either party;

26 WHEREAS, the parties represent that they have reached a settlement in this matter,
 27 which has been approved by Plaintiffs and by the San Jose City Council in closed session,
 28 but is subject to approval of the San Jose City Council in regular session;

