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 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 Defendants.

Case Number: C08-02132 JW

~~PROPOSED~~ *Proposed* STIPULATED
 JUDGMENT RE: SETTLEMENT OF
 FLSA CLAIM

20 WHEREAS, on May 14, 2010, this Court issued an Order re: Settlement of FLSA
 21 claim;

22 WHEREAS, the San Jose City Council approved the settlement in open session on
 23 June 22, 2010;

24 WHEREAS, pursuant to the terms of the Court's May 14, 2010 Order, the parties
 25 hereby submit for signature this stipulated judgment incorporating the terms of the May 14
 26 Order as well as an executed Settlement Agreement and Release, attached hereto as
 27 Exhibit A.

1 **STIPULATED JUDGMENT**

2 For the reasons set forth herein and in the Court's May 14, 2010 Order re:
3 Settlement of FLSA claim, the Court adjudges and decrees as follows:

4 (1) The Settlement Agreement and Release reached by the parties in this matter,
5 attached hereto as Exhibit A, is fair and reasonable and consists in substantial part of the
6 following: (a) Plaintiffs will recover from the Defendant City of San Jose back wages in an
7 amount to be determined by recalculating the Plaintiffs' payroll back to the pay that
8 includes April 24, 2006 through the time that settlement payment is made; (b) such
9 recalculations and settlement payments shall be calculated consistent with the Settlement
10 Agreement and Release; (c) beginning the first pay period that commences after July 1,
11 2010, the City will calculate overtime pay pursuant to the attached Settlement Agreement
12 and Release; and (d) the City will pay Plaintiffs' attorneys' fees and costs for both this
13 matter as well as the related case of *Juan Diaz, Keith Keesling, Christopher Murphy, Gary*
14 *Weekley, Karen Allen, and other employees similarly situated v. City of San Jose*, case
15 number C07-06424 JW, in a total amount of one hundred five thousand dollars (\$105,000)
16 for both cases.

17 (2) Any judgment amount or other consideration herein ordered shall never at
18 any time or for any purpose be considered an admission of liability or responsibility on the
19 part of any of the parties herein and that the plaintiffs waive all rights, if any be had, to
20 further liquidated damages.

21 The Clerk shall close this file.

22 Dated: August 17, 2010

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24 _____
25 JAMES WARE
26 UNITED STATES DISTRICT JUDGE
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