

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Counsel on Following Page

*\*E-FILED - 2/12/09\**

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

Santiago Hernandez, et al., individually,  
on behalf of all others similarly situated,  
and on behalf of the general public

Plaintiffs,

vs.

United Auto Credit Corporation, and  
DOES 1-50, inclusive,

Defendants.

Case No. C08 03404 RMW/PVT

**STIPULATION AND ~~XXXXXX~~ ORDER  
GRANTING LEAVE FOR PLAINTIFFS  
TO FILE THEIR FIRST AMENDED  
COMPLAINT**

**STIPULATION AND ~~proposed~~ ORDER GRANTING PLAINTIFFS LEAVE TO FILE THEIR SECOND AMENDED COMPLAINT**

1 NICHOLS KASTER, LLP  
2 Matthew C. Helland, CA State Bar No. 250451  
3 helland@nka.com  
4 One Embarcadero Center, Suite 720  
5 San Francisco, CA 94111  
6 Telephone: 415-277-7235  
7 Facsimile: 415-277-7238

8 NICHOLS KASTER, PLLP  
9 Paul J. Lukas, MN State Bar No. 22084X  
10 Lukas@nka.com  
11 (admitted *pro hac vice*)  
12 Michele R. Fisher, MN Bar No. 303069  
13 (admitted *pro hac vice*)  
14 4600 IDS Center  
15 80 South 8th Street  
16 Minneapolis, MN 55402  
17 Telephone: (612) 256-3200  
18 Facsimile: (612) 215-6870

19 Attorneys for Individual and Representative Plaintiffs

20 FERMIN H. LLAGUNO, Bar No. 185222  
21 D. CHAD ANDERTON, Bar No.  
22 MARIA R. HARRINGTON, Bar No. 201901  
23 LITTLER MENDELSON  
24 A Professional Corporation  
25 2050 Main Street  
26 Suite 900  
27 Irvine, CA 92614  
28 Telephone: 949.705.3000  
Facsimile: 949.724.1201  
Email: [flaguno@littler.com](mailto:flaguno@littler.com)  
[canderton@littler.com](mailto:canderton@littler.com)  
[mharrington@littler.com](mailto:mharrington@littler.com)

1 By stipulation and agreement of the parties, and pursuant to Fed. R. Civ. Pro. 15(a),  
2 Defendant hereby grants its consent to Plaintiffs to file their First Amended Complaint, attached  
3 hereto as Exhibit A.

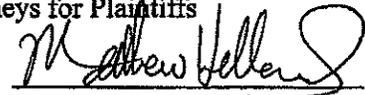
4 The parties further stipulate and agree that, pursuant to Fed. R. Civ. Pro. 15(c)(1)(B), the  
5 filing of the First Amended Complaint shall relate back to the filing of the original complaint for  
6 all purposes except for the inclusion of the Senior Customer Service Representative and  
7 Administrative Supervisor positions.

8 The parties further stipulate and agree that the filing of this First Amended Complaint  
9 shall not delay, in any manner, the briefing or hearing on Plaintiffs' Motion for Conditional  
10 Class Certification.

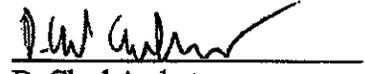
11 The parties further stipulate and agree that Defendant's Answer shall be due 30 days  
12 from the date of filing the First Amended Complaint.

13 Dated: 2/5/09

NICHOLS KASTER, LLP  
Attorneys for Plaintiffs

14 By:   
15 Matthew C. Helland  
16

LITTLER MENDELSON  
Attorneys for Defendant

17 By:   
18 D. Chad Anderton  
19

20  
21 IT IS SO ORDERED

22 Dated: 2/12/09

  
23 Hon. Ronald M. Whyte  
24 United States District Court Judge

25 Firmwide: 88406547.1 060715.1001  
26 DRAFT 2/5/09  
27  
28