

ADAM PEDERSEN (STATE BAR NUMBER 261901)
 ADAM WANG (STATE BAR NUMBER 201233)
 LAW OFFICES OF ADAM WANG
 12 S First Street, Suite 708
 San Jose, CA 95113
 Tel: 408-292-1040
 Fax: 408-416-0248

Attorney for Plaintiffs
 Cristobal Hernandez, Josue Gutierrez

E-FILED - 4/8/10

UNITED STATES FEDERAL COURT
 NORTHERN DISTRICT OF CALIFORNIA
 San Jose DIVISION

Cristobal Hernandez *aka* Hugo Salazar, Josue
 Gutierrez,
 Plaintiffs,
 vs.
 Four Elements Inc, and DOES 1-10
 Defendants

Case No.: 5:09-cv-01679-RMW

STIPULATION AND [XXXXXXXXXX] ORDER
 TO ALLOW FOR LEAVE TO FILE A FIRST
 AMENDED COMPLAINT

Parties through counsel hereby stipulate as follows:

1. On 4/16/2009, Plaintiffs filed the original complaint in this action.
2. It has come to the attention of the Plaintiffs that the original complaint as filed contained an error, naming three Plaintiffs Cristobal Hernandez, Josue Gutierrez and a third person "Hugo Salazar" who is not actually party to this action.
3. In reality, the name "Hugo Salazar" does not refer to any Plaintiff but was an alleged alias under which the Plaintiff Cristobal Hernandez allegedly worked.

- 1 4. The complaint should have named two Plaintiffs Josue Gutierrez and Cristobal
2 Hernandez *aka* "Hugo Salazar".
- 3 5. Parties desire to correct this error as soon as possible so they may finalize their tentative
4 agreement for settlement.
- 5 6. Therefore, to correct this error, parties stipulate to allow Plaintiffs leave to file a First
6 Amended Complaint, attached hereto as Exhibit #1, correctly naming the two Plaintiffs
7 Josue Gutierrez and Cristobal Hernandez *aka* "Hugo Salazar".
8

9 Dated: March 24, 2010

10 By: /s/Adam Pedersen
11 Adam Pedersen
12 Law Office of Adam Wang
13 Attorneys for Plaintiff

14 Dated: March 24, 2010

15 By: /s/Michael Farbstein
16 Michael Farbstein
17 Attorney for Defendant

18 **PROPOSED ORDER**

19 It is hereby ORDERED that, pursuant to the terms the parties stipulation, Plaintiffs be
20 granted leave to file a First Amended Complaint.
21

22 Dated: 4/8/10

23 By: *Ronald M. Whyte*
24 Hon. Ronald M Whyte
25 US District Court Judge

*Counsel shall re-file the amended complaint as a separate entry.