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 12 MOHD AYUB KHAN

13 UNITED STATES DISTRICT COURT

14 IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA

15 SAN JOSE

16
 17 MOHD AYUB KHAN, an individual, on behalf) Case No. 5:09-CV-05155-JF (HRL)
 of himself and on behalf of The State of)
 18 California Labor and Workforce Development) **STIPULATION TO MODIFY**
 Agency as a Private Attorney General,) **SETTLEMENT TIMEFRAME AND**
 19) **PROPOSED ORDER REGARDING**
 Plaintiff,) **SAME**
 20)
 v.)
 21)
 22 FLEXTRONICS INTERNATIONAL USA,) Date Filed: September 10, 2010
 INC., a California Corporation; and DOES 1) Judge: Hon. Jeremy Fogel
 through 10, inclusive,)
 23)
 Defendants.)
 24)

25 **STIPULATION TO MODIFY SETTLEMENT TIMEFRAME**

26 PLEASE TAKE NOTICE that Plaintiff Mohd Ayub Khan and Defendant Flextronics
 27 International USA, Inc. (collectively, "the Parties") hereby stipulate to request the Court to
 28 modify the Settlement Timeframe contained in the Court's August 30, 2010 order granting

1 preliminary approval of the class action settlement in this matter through executing the proposed
2 order below. The Parties have properly met and conferred over this matter. (Declaration of
3 Cody Knight (Knight Decl.) ¶ 5.)

4 The reason for this Stipulation is that the Settlement Timeframe, as currently established,
5 places the deadline for class members to opt out from, or object to, the settlement, after the date
6 of the final fairness hearing in relation to the settlement. As a result, objections could potentially
7 be submitted after the Court has already granted final approval and authorized distribution of
8 funds. The parties apologize for this oversight in the submission of their original briefing and
9 proposed order on the motion for preliminary approval, but believe that the issue can be easily
10 corrected as described below. Notice of the settlement has not yet been mailed to the class.

11 On August 30, 2010, the Court entered an order granting preliminary approval of the
12 class action settlement reached by the parties in this matter. The order granting preliminary
13 approval of the class action settlement established a time frame by which certain key events were
14 to take place in the course of the settlement (the “Administration Timeframe”). The Court set a
15 final fairness hearing on November 5, 2010, to consider final approval of the settlement and any
16 objections that may be filed.

17 On September 8, 2010, counsel for the parties became aware that the Administration
18 Timeframe established a deadline of November 15, 2010 for Class Members to postmark
19 requests for exclusion or objections to the settlement. This is, of course, ten days after the final
20 fairness hearing. This parties apologize for this oversight in proposing the Administration
21 Timeframe, which went unnoticed until after the Court’s grant of preliminary approval.
22 However, the issue can be easily addressed and resolved at this juncture. No notice has been
23 mailed to members of the Settlement Class, and notice is not scheduled to be mailed until
24 September 15, 2010.

25 The Parties hereby agree and stipulate to change the time frame for members of the
26 Settlement Class to postmark requests for exclusion or objections to the settlement from 60
27 calendar days to 30 calendar days, subject to the approval of the Court. Given the relatively
28 small class size of 27 individuals, the Parties believe that 30 days is more than sufficient for class

1 members to review the notice documents and prepare any desired objection or request for
2 exclusion.

3 The Parties are eager to bring this matter to final resolution and do not wish for the
4 hearing on final approval of the settlement to be moved from the current date. This solution will
5 allow the final fairness hearing to remain on November 5, 2010, while ensuring that the
6 Settlement Timeframe provides a fair opportunity for Class Members to object to the settlement
7 or request exclusion before the final fairness hearing, should they choose to do so.

8 Because this is a class action settlement, the Court's authorization is required for this
9 change. If the Court is not inclined to adjust the objection and request for exclusion period, an
10 alternative solution is to move the final fairness hearing to November 19, 2010 or as soon
11 thereafter as the matter can be heard. The parties strongly prefer that the current date of
12 November 5, 2010, be retained, however, as this will greatly reduce the burden on the parties and
13 on counsel of administering the settlement and will avoid any delay in progress towards closure
14 of this matter. However, in the alternative to modifying the objection/exclusion timeframe, the
15 parties request that the Court move the final fairness hearing to November 19, 2010, or as soon
16 thereafter as practicable.

17 **SO STIPULATED:**

18 DATED: September 10, 2010

LAW OFFICES OF MICHAEL TRACY

19
20 By /s/ Megan Ross Hutchins
Megan Ross Hutchins

21 Attorneys for Plaintiff
22 MOHD AYUB KHAN and the PLAINTIFF
CLASS

23 DATED: September 10, 2010

SEYFARTH SHAW LLP

24
25 By /s/ Cody D. Knight
Cody D. Knight

26 Attorneys for Defendant
27 FLEXTRONICS INTERNATIONAL USA,
INC.
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[PROPOSED] ORDER ON STIPULATION

Having reviewed the above stipulation and the concurrently-filed declaration of Cody D. Knight, and good cause appearing therefore, IT IS HEREBY ORDERED as follows:

1. The Court's Order Granting Preliminary Approval, dated August 30, 2010, is hereby modified to provide that Class Members shall have 30 calendar days, rather than 60 calendar days, from the mailing of the Notice by the Claims Administrator within which to postmark objections or requests for exclusion from the settlement. All other dates are to remain the same.

2. Before distribution to members of the Class, the Notice of Class Action Settlement shall be modified accordingly to state that class members shall have 30 calendar days, rather than 60 calendar days, after the mailing of the Notice of Class Action Settlement, within which to postmark objections or requests for exclusion to the settlement.

3. The Final Fairness Hearing in regards to the settlement shall remains scheduled for November 5, 2010 at 9:00 a.m. in Courtroom 3, 5th Floor, of the United States District Court for the Northern District of California, San Jose Division.

IT IS SO ORDERED.

Dated: 9/15/2010, 2010



HON. JEREMY FOGEL
UNITED STATES DISTRICT JUDGE