

1 KENNETH R. O'BRIEN, Bar No. 072128
 LITTLER MENDELSON
 2 A Professional Corporation
 2520 Venture Oaks Way, Suite 390
 3 Sacramento, CA 95833.4227
 Telephone: 916.830.7200
 4 Facsimile: 916.561.0828
kobrien@littler.com

5 PAUL S. COWIE, Bar No. 250131
 LITTLER MENDELSON
 6 A Professional Corporation
 650 California Street, 20th Floor
 7 San Francisco, CA 94108-2693
 Telephone: 415.439.6210
 8 Facsimile: 415.520.9816
 9 pcowie@littler.com

10 Attorneys for Defendants
 CON-WAY INC AND CON-WAY FREIGHT INC.

11 LAWRENCE R. CAGNEY, Bar No. 141845
 WESTRUP KLICK LLP
 444 W. Ocean Boulevard, #1614
 13 Long Beach, CA 90802-4524
 Telephone: 562.432.2551
 14 Facsimile: 562.435.4856
 Email: lcagney@wkalaw.com

15 Attorney for Plaintiff
 16 JORGE QUEZADA

17 UNITED STATES DISTRICT COURT
 18 NORTHERN DISTRICT OF CALIFORNIA
 19 SAN JOSE DIVISION

20 JORGE R. QUEZADA, individually, and
 21 on behalf of all others similarly situated,

22 Plaintiff,

23 v.

24 CON-WAY INC., and CON-WAY
 FREIGHT INC. and DOES 2 through 20,
 25 inclusive,

26 Defendants.

Case No. C 10 00100 JF

**STIPULATION FOR DISMISSAL OF
 CON-WAY INC. WITH PREJUDICE AND
 TO ADD NAMED PLAINTIFF, ROBERT
 COLON AND [PROPOSED] ORDER**

[FED. R. CIV. P. 15 AND 41]

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

STIPULATION

Whereas, a putative class action was filed by Mr. Robert Colon against Con-way Freight Inc. in the Superior Court of Los Angeles, being *Robert Colon v. Con-way Freight, Inc.*, Case No. BC 433047;

Whereas, Defendant Con-way Freight Inc. removed *Robert Colon v. Con-way Freight, Inc* to the Central District of California, Case No. CV 10-02749 GAF (SSx);

Whereas, Plaintiff Jorge R. Quezada had an initial concern about whether Con-way Inc. should be a named defendant in the within action, but has since satisfied himself that Con-way Inc. need not be a named defendant because Con-way Inc. was not Plaintiff Quezada's employer;

Whereas, to facilitate judicial economy, the Parties have stipulated that the Central District case *Robert Colon v. Con-way Freight Inc, Case No. CV 10-02749 GAF (SSx)* be dismissed with prejudice, that Mr. Colon be added as a named plaintiff to the instant action of *Jorge R. Quezada v. Con-way Inc., dba Con-Way Freight, Case No. C10 00100 JF*, and that Con-way Inc. be dismissed from the within action;

Jorge Quezada ("Plaintiff") and Defendants Con-way Inc. and Con-way Freight Inc. ("Defendants") by and through their respective counsel of record (collectively, the "Parties"), hereby stipulate, pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, that this action be dismissed with prejudice in its entirety as against Con-way Inc. Each side will pay its/his own attorneys' fees and costs.

The Parties further stipulate pursuant to Rule 15(a)(2) that Plaintiff Robert Colon be added as a named plaintiff to the instant case *Jorge R. Quezada v. Con-way Inc., dba Con-Way Freight, Case No. C10 00100 JF*.

///

///

///

///

///

///

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

Within 14 days, Plaintiffs will file an amended pleading reflecting these changes.

SO STIPULATED:

Dated: *May* 9, 2010
SUR



PAUL S. COWIE
LITTLER MENDELSON
A Professional Corporation
Attorneys for Defendant
CON-WAY INC. AND CON-WAY FREIGHT INC.

Dated: *June* 9, 2010



LAWRENCE R. CAGNEY
WESTRUP KLICK, LLP
Attorneys for Plaintiff
JORGE QUEZADA

Firmwide: 95536886.2 012187.1046

Dated: 6/15/10



JEREMY FOGEL
United States District Judge