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14 Attorneys for Plaintiffs and the Putative Class

15 **UNITED STATES DISTRICT COURT**
 16 **NORTHERN DISTRICT OF CALIFORNIA**
SAN JOSE DIVISION

17 GUIFU LI, MENG WANG, FANG DAI,
 18 LIN CUI, and ZHONG YU on behalf of
 themselves and all others similarly situated,

19 Plaintiffs,

20 vs.

21 A PERFECT DAY FRANCHISE, INC., a
 22 California corporation; *et al.*,

23 Defendants.

Case No. CV 10-01189 LHK (PSG)

CLASS ACTION

**STIPULATION AND [~~PROPOSED~~] ORDER TO
 FILE SECOND AMENDED COMPLAINT
 PURSUANT TO FED. R. CIV. P. 15(a)(2)**

Complaint Filed: March 22, 2010

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WHEREAS the initial Complaint in this action was filed on March 22, 2010. (Dkt. 1.)

WHEREAS the First Amended Complaint was filed on May 12, 2010. (Dkt. 6.)

WHEREAS Plaintiffs Guifu Li, Meng Wang¹, Fang Dai, Lin Cui, and Zhong Yu, on behalf of themselves and all others similarly situated, (“Plaintiffs”) have discovered new information concerning the true name of Defendant Jesse Doe, the identity of additional defendants, and Plaintiffs have exhausted all administrative remedies under California Labor Code § 2699.3.

WHEREAS Plaintiffs have therefore determined that the Complaint should be amended.

WHEREAS Defendants A Perfect Day Franchise, Inc., Minjian Hand Healing Institute, Inc., Tom Schriener, Tailiang Li, and Jin Qui (“Defendants”) have consented, pursuant to Fed. R. Civ. P. 15(a)(2), to Plaintiffs amending their Complaint.

IT IS HEREBY STIPULATED by and between the parties hereto, pursuant to Fed. R. Civ. P. 15(a)(2), that Defendants consent to Plaintiffs filing their Second Amended Complaint, a copy of which is attached hereto as Exhibit A.

IT IS FURTHER STIPULATED that Plaintiffs will file the Second Amended Complaint separately the same date this Stipulation and Order is signed.

IT IS FURTHER STIPULATED that Defendants are deemed served with a copy of the Second Amended Complaint as of the date of its filing and that Defendants will file a responsive pleading no later than 21 days after the Second Amended Complaint is filed.

Dated: April 8, 2011

LAW OFFICES OF ADAM WANG
THE STURDEVANT LAW FIRM
A Professional Corporation
DUCKWORTH PETERS LEBOWITZ OLIVIER LLP

By: /s/ Whitney Huston
Whitney Huston
Attorneys for Plaintiffs and the Putative Class

¹ Meng Yang was erroneously named in the First Amended Complaint as Meng Wang.

1 Dated: April 8, 2011

LAW OFFICES OF RICHARD C.J. WAHNG

2
3 By: /s/ Lee Sheldon
Richard C.J. Wahng
Lee Edwin Sheldon
4 Attorneys for Defendants A Perfect Day Franchise,
5 Inc., Minjian Hand Healing Institute, Inc., Jin Qui
and Tailiang Li

6
7 Dated: April 8, 2011

MULEY LAW FIRM

8
9 By: /s/ Theresa Muley
Theresa Muley
10 Attorneys for Defendant Tom Schriener

11
12 **[PROPOSED] ORDER**

13 PURSUANT TO STIPULATION, IT IS SO ORDERED.

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15 DATED: April 12, 2011


16 Honorable Lucy H. Koh
17 UNITED STATES DISTRICT COURT JUDGE

18 **ATTESTATION**

19 I, Whitney Huston, am the ECF user whose ID and password are being used to file this
20 STIPULATION AND [PROPOSED] ORDER TO FILE SECOND AMENDED COMPLAINT
21 PURSUANT TO FED. R. CIV. P. 15(a)(2). In compliance with General Order 45, I hereby attest
22 that Lee Edwin Sheldon, counsel for Defendants A Perfect Day Franchise, Inc., Minjian Hand
23 Healing Institute, Inc., Jin Qui and Tailiang Li, and Theresa Muley, counsel for Defendant Tom
24 Schriener have concurred in this filing.

25
26 Dated: April 8, 2011

By: /s Whitney Huston
Whitney Huston
27 Attorneys for Plaintiffs and the Putative Class