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8
 9 **UNITED STATES DISTRICT COURT**
 10 **NORTHERN DISTRICT OF CALIFORNIA**

11 SER LAO, as an individual and on behalf
 12 of all others similarly situated,

13 Plaintiffs,

14 vs.

15 H & M HENNES & MAURITZ, L.P., a
 16 New York limited partnership; and DOES
 1 through 50, inclusive,

17 Defendants.

Case No. 5:16-cv-333 EJD

**STIPULATION REGARDING *TRAN* CLASS
 ACTION SETTLEMENT**

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28 **H&M HENNES & MAURITZ, L.P.**

1 Plaintiff Ser Lao (“Plaintiff”) and Defendant H & M Hennes & Mauritz, L.P.
2 (“Defendant”) (Plaintiff and Defendant collectively referred to as the “Parties”), by and through
3 their counsel of record, hereby stipulate as follows with reference to the following facts:

4 1. WHEREAS, on or about December 23, 2011, Plaintiff Suzanne Tran (“Tran”)
5 filed the class action lawsuit entitled, *Tran v. H & M Hennes & Mauritz, L.P.*, Case No.
6 111CV215599 (the “*Tran Case*”);

7 2. WHEREAS, on or about December 11, 2015, Plaintiff filed his class action
8 lawsuit against Defendant in the Santa Clara County Superior Court, Case No. 15CV288944 (the
9 “*Lao Case*”);

10 3. WHEREAS, on or about January 21, 2016, Defendant removed the above-
11 captioned case to the United States District Court, resulting in assignment of this action before
12 this Court;

13 4. WHEREAS, Tran and Defendant entered into a class action settlement for the
14 claims asserted in the *Tran Case* and, on or about February 2, 2016, Tran filed a Motion for
15 Preliminary Approval of Class Action Settlement; and

16 5. WHEREAS, pursuant to meet and confer discussions of the Parties, they agree
17 that the *Tran* class action settlement does not apply to Plaintiff and putative class members’
18 claims for (1) unpaid wages/overtime under California Labor Code Sections 510, 558, 1194,
19 1197, and 1197.1 that resulted from alleged security checks; (2) premium pay for missed meal
20 and rest periods under California Labor Code Sections 226.7 and 512, that resulted from alleged
21 security checks; and (3) unpaid overtime under California Labor Code Sections 510, 558, 1194,
22 and 1197.1 that resulted from Defendant’s alleged failure to include all non-discretionary items
23 of compensation in the regular rate for the purposes of calculating overtime.
24

25 NOW, THEREFOR, the Parties in the *Lao Case* hereby stipulate as follows:

26 1. The class action settlement in the *Tran Case* shall not apply to bar Plaintiff and
27 putative class members’ claims for (1) unpaid wages/overtime under California Labor Code
28 Sections 510, 558, 1194, 1197, and 1197.1 that resulted from alleged security checks; (2)

