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Ronald
The Honorable ~~Robert~~ B. Leighton
Date of Motion: March 10, 2009



07-CV-05500-ORD

FILED _____ LODGED _____
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MAR 18 2009
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA
BY _____ DEPUTY

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON AT TACOMA

MICHAEL AMPE and JEFFREY POWER,
Individually, and as class representatives,

Plaintiffs,

vs.
CITY OF PUYALLUP, a municipality

Defendant.

Case No. 07-5500 *RBL*

NOTICE OF TENTATIVE SETTLEMENT
AND STIPULATED REQUEST TO
MAINTAIN CASE IN OPEN STATUS
AND HOLD MOTIONS IN ABEYANCE

Plaintiffs Michael Ampe and Jeffrey Power, individually and as class representatives, and Defendant City of Puyallup, through their respective counsel of record, hereby give notice to the Court that the parties participated in mediation and that a tentative settlement of this case has been reached. The tentative settlement eliminates the need for the Court to rule on the pending cross-motions for summary judgment.

The parties request that the Court maintain the case in open status rather than issuing a conditional dismissal because the settlement is subject to approval by the City of Puyallup City Council, because the Court will be requested to approve the settlement of this collective action under the Fair Labor Standards Act, and because the individual opt-in plaintiffs will be required to agree to the settlement. Plaintiffs' counsel will prepare and file the request for Court approval of the settlement promptly after being informed that it has been approved by the City Council.

//

NOTICE OF TENTATIVE SETTLEMENT - 1

SEBRIS BUSTO JAMES
14205 SE 36th Street, Suite 325
Bellevue, Washington 98006
(425) 454-4233

1 DATED this 10th day of March, 2009.

3 SEBRIS BUSTO JAMES

SCHROETER GOLDMARK AND BENDER


5 /s/ M. Edward Taylor
6 M. Edward Taylor, WSBA # 16864
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9 Bellevue, WA 98006
Attorneys for Defendant,
City of Puyallup

/s/ Adam J. Berger
Martin S. Garfinkel,
Adam J. Berger
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Seattle, WA 98104
Attorneys for Plaintiffs, Michael Ampe and
Jeffrey Power, individually and as class
representatives

13 **ORDER**

14 The case shall remain open pending the Court's review of the proposed settlement and
15 related action. The parties' cross-motions for summary judgment will be held in abeyance unless
16 re-noted for hearing.

17 DATED THIS 18th day of March, 2009.

19 
20 _____
21 Honorable Robert B. Leighton
22 United States District Court Judge