

1 Carolyn H. Cottrell (SBN 166977)
 David C. Leimbach (SBN 265409)
 2 Michelle S. Lim (SBN 315691)
 Scott L. Gordon (SBN 319872)
 3 SCHNEIDER WALLACE
 COTTRELL KONECKY
 4 WOTKYNS LLP
 2000 Powell Street, Suite 1400
 5 Emeryville, California 94608
 Telephone: (415) 421-7100
 6 Facsimile: (415) 421-7105
 ccottrell@schneiderwallace.com
 7 dleimbach@schneiderwallace.com
 mlim@schneiderwallace.com
 8 sgordon@schneiderwallace.com

9 *[Additional Counsel listed on next page]*

10 Attorneys for Plaintiffs and the Putative Classes
and Collective

11 **UNITED STATES DISTRICT COURT**
 12 **NORTHERN DISTRICT OF CALIFORNIA**

13 HAROLD JONES, et al.,

14 Plaintiffs,

15 vs.

16 CERTIFIEDSAFETY, INC.

17 Defendants.

Lead Case No. 3:17-cv-02229-EMC
 Consolidated with 3:17-cv-03892-EMC (*Crummie*)
 Related to: 3:18-cv-04379-EMC (*Ross*)
 3:19-cv-01338-EMC (*Jones II*)
 3:19-cv-01380-EMC (*Jones III*)
 3:19-cv-01381-EMC (*Jones IV*)
 3:19-cv-01427-EMC (*East*)
 3:19-cv-01428-EMC (*Jones V*)

18 **STIPULATION AND [PROPOSED] ORDER**
 19 **FOR PLAINTIFFS TO FILE FOURTH**
 20 **AMENDED CONSOLIDATED CLASS AND**
 21 **COLLECTIVE ACTION COMPLAINT**

22 Date: January 2, 2020
 Time: 1:30 p.m.
 23 Courtroom: 5 (17th Floor)
 Judge: Honorable Edward M. Chen

24 *Jones* Complaint filed: April 21, 2017

1 Edwin Aiwazian (SBN 232943)
Arby Aiwazian (SBN 269827)
2 Jill J. Parker (SBN 274230)
3 LAWYERS FOR JUSTICE, PC
410 West Arden Avenue, Suite 203
4 Glendale, California 91203
Telephone: (818) 265-1020
5 Facsimile: (818) 265-1021

6 Attorneys for Plaintiffs and the Putative Classes and Collective
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 Plaintiffs Harold Jones, Tierre Crummie, and Genea Knight (“Plaintiffs”), and Defendant
2 CertifiedSafety, Inc. (“Defendant”), through their respective counsel of record, hereby stipulate and
3 agree as follows:

4 WHEREAS, Plaintiff Jones initiated this action on April 21, 2017, asserting claims under
5 California state wage and hour laws and under the Fair Labor Standards Act, 29 U.S.C. §§ 201 *et*
6 *seq.* (“FLSA”). *See* ECF 1;

7 WHEREAS, on June 26, 2017, Plaintiff Jones amended his pleading to add an additional
8 representative Plaintiff, Genea Knight, who asserted the same claims under the FLSA, and also
9 asserted claims under Washington state law on behalf of a proposed Washington Class. *See* ECF
10 23;

11 WHEREAS, on February 8, 2018, Plaintiffs filed a Second Amended Complaint that
12 included (1) a claim for waiting time penalties under California Labor Code § 203; (2) a claim for
13 PAGA civil penalties based on Defendant’s alleged failure to provide Plaintiff Jones and other non-
14 exempt, hourly employees in California one day of rest in a seven-day workweek pursuant to
15 California Labor Code §§ 551-552; and (3) allegations regarding Defendant’s alleged failure to
16 compensate Plaintiffs and other non-exempt, hourly employees for time and expenses spent
17 traveling to and from, and attending, Defendant’s trainings. *See* ECF 100;

18 WHEREAS, on March 6, 2019, Plaintiffs filed a Third Amended Consolidated Complaint
19 that (1) incorporated Plaintiff Crummie and the allegations in *Crummie* into the *Jones* action, (2)
20 clarified that the collective and classes cover current or former employees with the title “Safety
21 Attendant” or “Safety Foreman,” (3) added additional factual allegations, and (4) added a California
22 Training Class under Rule 23 and causes of action related to this class. *See* ECF 176;

23 WHEREAS, Plaintiffs and Defendant have reached a proposed Stipulation of Class,
24 Collective, and Representative Action Settlement (“Settlement”), following a mediation session
25 with mediator Paul Grossman, that globally resolves the claims in all of the actions;
26
27
28

1 WHEREAS, at the time of mediation, Plaintiffs and their Counsel intended to file additional
2 actions to bring wage and hour claims under Ohio and Alaska law on behalf of putative Ohio and
3 Alaska classes;

4 WHEREAS, Sandra Turner is the Named Plaintiff and Class Representative for the Ohio
5 class, and George Azevedo, Jr. is the Named Plaintiff and Class Representative for the Alaska class;

6 WHEREAS, the Settlement resolves the instant action, along with the consolidated and
7 related actions, on a class, collective, and representative basis, inclusive of the wage and hour
8 claims of Safety Attendants and Safety Foremen under Ohio and Alaska law;

9 WHEREAS, as a result of the Settlement, the Parties agree that Plaintiffs will amend the
10 operative complaint to add (1) Sandra Turner and George Azevedo, Jr. as Named Plaintiffs and
11 Class Representatives, and (2) Ohio and Alaska law wage and hour claims, brought by Turner and
12 Azevedo, respectively, individually and on behalf of putative Rule 23 Ohio and Alaska classes;

13 WHEREAS, the proposed Fourth Amended Consolidated Complaint (“FACC”), a true and
14 correct copy of which is attached hereto as **Exhibit 1**, makes these changes to the Third Amended
15 Consolidated Complaint;

16 WHEREAS, Plaintiffs and Defendant submit that there is good cause to grant leave to
17 Plaintiffs to file the FACC, as doing so will allow Plaintiffs to aver the Ohio and Alaska law classes
18 and claims that the Parties included in their mediation efforts and have resolved in the proposed
19 Settlement that they now submit for Court approval;

20 WHEREAS, by stipulating to the filing of the FACC, Defendant represents only that
21 amendment of the Complaint at this juncture in the litigation is consistent with applicable law
22 regarding the amendment of pleadings, and explicitly does not concede the validity of any
23 allegations, theories, or claims contained therein, or the validity or legal sufficiency of the proposed
24 classes, their associated class periods, or the alleged statutes of limitations.

25 NOW THEREFORE, IT IS HEREBY AGREED that Plaintiffs should be granted leave to
26 amend to file the proposed FACC, and that Defendant’s responsive pleading shall be due thirty (30)
27 days after the FACC is filed.
28

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

IT IS SO STIPULATED.

Date: November 22, 2019

Respectfully submitted,

/s/ Carolyn Hunt Cottrell
Carolyn Hunt Cottrell
David C. Leimbach
Michelle S. Lim
Scott L. Gordon
SCHNEIDER WALLACE
COTTRELL KONECKY
WOTKYNS LLP

Attorneys for Plaintiffs and the Putative Classes and
Collective

Date: November 22, 2019

/s/ Tristan R. Kirk
Laura R. Petroff
Emilie C. Woodhead
Jason S. Campbell
Tristan R. Kirk
WINSTON & STRAWN LLP

Attorneys for Defendant

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

[PROPOSED] ORDER

Plaintiffs Harold Jones, Tierre Crummie, and Genea Knight (“Plaintiffs”) and Defendant CertifiedSafety, Inc. (“Defendant”) have stipulated that Plaintiffs may file their Fourth Amended Consolidated Class and Collective Action Complaint. Having considered the Parties’ stipulation, and for good cause shown, the Parties’ Stipulation permitting Plaintiffs to file a Fourth Amended Consolidated Class and Collective Action Complaint is **GRANTED**. Plaintiffs shall file the Fourth Amended Consolidated Class and Collective Action Complaint within seven (7) days of this Order, and Defendant shall file responsive papers within thirty (30) days thereafter.

IT IS SO ORDERED.

Dated: _____

HON. EDWARD M. CHEN
United States District Judge,
Northern District of California

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

SIGNATURE ATTESTATION

I hereby attest that all signatories listed above, on whose behalf this joint motion is submitted, concur in the filing’s content and have authorized the filing.

Dated: November 22, 2019

/s/ Carolyn Hunt Cottrell
Carolyn Hunt Cottrell

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing document with the Clerk of the Court for the United States District Court, Northern District of California, by using the Court’s CM/ECF system on November 22, 2019.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the Court’s CM/ECF system.

Dated: November 22, 2019

/s/ Carolyn Hunt Cottrell
Carolyn Hunt Cottrell