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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

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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;  
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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.  
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**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  
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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

~~PROPOSED~~ ORDER

1  
2 Plaintiffs Harold Jones, Tierre Crummie, and Genea Knight (“Plaintiffs”) and Defendant  
3 CertifiedSafety, Inc. (“Defendant”) have stipulated that Plaintiffs may file their Fourth Amended  
4 Consolidated Class and Collective Action Complaint. Having considered the Parties’ stipulation,  
5 and for good cause shown, the Parties’ Stipulation permitting Plaintiffs to file a Fourth Amended  
6 Consolidated Class and Collective Action Complaint is **GRANTED**. Plaintiffs shall file the Fourth  
7 Amended Consolidated Class and Collective Action Complaint within seven (7) days of this Order,  
8 and Defendant shall file responsive papers within thirty (30) days thereafter.

9 **IT IS SO ORDERED.**

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11 Dated: January 22, 2020



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