

1 Mark C. Goodman, State Bar No. 154692
2 mark.goodman@bakermckenzie.com
3 Anne Kelts Assayag, State Bar No. 298710
4 anne.assayag@bakermckenzie.com
5 **BAKER & McKENZIE LLP**
6 Two Embarcadero Center, 11th Floor
7 San Francisco, CA 94111-3802
8 Telephone: +1 415 576 3000
9 Facsimile: +1 415 576 3099

6 Attorneys for Defendant
BIMBO BAKERIES USA, INC.

7 Ben F. Pierce Gore, State Bar No. 128515
8 pgore@prattattorneys.com
9 **PRATT & ASSOCIATES**
10 634 N. Santa Cruz Ave., Suite 204
11 Los Gatos, CA 95030
12 Telephone: +1 408 429 6506
13 Facsimile: +1 408 369 0752

11 Keith M. Fleischman (*pro hac vice*)
12 kfleischman@fbrllp.com
13 Joshua D. Glatter (*pro hac vice*)
14 jglatter@fbrllp.com
15 **FLEISCHMAN BONNER & ROCCO LLP**
16 81 Main Street, Suite 515
17 White Plains, NY 10601
18 Telephone: +1 914 278 5101
19 Facsimile: +1 917 591 5245

16 Attorneys for Plaintiffs

18 UNITED STATES DISTRICT COURT
19 NORTHERN DISTRICT OF CALIFORNIA
20 OAKLAND DIVISION

21 ALEX ANG and LYNN STREIT, individually
22 and on behalf of all others similarly situated,

23 Plaintiffs,

24 v.

25 BIMBO BAKERIES USA, INC.,

26 Defendant.

Case No. 13-CV-01196-HSG-NC

**JOINT STATEMENT IN SUPPORT OF
PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

Before: Hon. Haywood S. Gilliam, Jr.
Crtrm.: 2, 4th Floor

1 Pursuant to the Court’s February 13, 2020 Minute Order, Plaintiffs Alex Ang and Lynn Streit
2 (“Plaintiffs”) and Defendant Bimbo Bakeries USA, Inc. (“BBUSA”) (collectively, the “Parties”)
3 hereby submit the following Joint Statement to supplement the pending Joint Motion for Preliminary
4 Settlement Approval filed with the Court on December 13, 2019 (the “Motion”). (Dkt. 217.)

5 Following the hearing on February 13, 2020 and as instructed by the Court, the Parties have
6 met and conferred regarding the scope of the release in the Settlement Agreement submitted to the
7 Court for preliminary approval. The Parties have agreed to modify Section 8 of the Settlement
8 Agreement and any related terms to release only the following: (1) all claims for injunctive relief
9 against BBUSA that were certified for class treatment by the Court’s August 31, 2018 Order
10 Granting in Part and Denying in Part Plaintiffs’ Motion for Class Certification (Dkt. 186) and (2)
11 Plaintiffs’ individual claims brought on their own behalf in their individual capacity against BBUSA.
12 The revised Settlement Agreement is attached hereto as **Exhibit A**. The form of the Settlement
13 Agreement has been agreed and the Parties are in the process of obtaining signatures to the revised
14 Settlement Agreement.

15 Exhibit A hereto should replace Exhibit 1 to the Declaration of Keith M. Fleischman
16 previously submitted to the Court in support of the Motion. (See Dkt. 217-2.) For the Court’s
17 convenience, a redline comparing Exhibit A to the earlier version of the Settlement Agreement
18 submitted as Exhibit 1 to the Court in support of the Motion is attached hereto as **Exhibit B**.

19 The parties respectfully request that the Court accept this Joint Statement, consider the
20 revised Settlement Agreement in place of the earlier version submitted in support of the Motion and
21 grant the Motion for all of the reasons set forth in the Motion and at the hearing on the Motion.
22
23
24
25
26
27
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

Dated: February 20, 2020

BAKER & MCKENZIE LLP

By: /s/ Anne Kelts Assayag
Anne Kelts Assayag
Attorneys for Defendant
BIMBO BAKERIES USA, INC.

Dated: February 20, 2020

PRATT & ASSOCIATES
Ben F. Pierce Gore

FLEISCHMAN BONNER & ROCCO LLP
Keith M. Fleischman
Joshua D. Glatter

By: /s/ Ben F. Pierce Gore
Ben F. Pierce Gore
Attorneys for Plaintiffs

ATTESTATION

I hereby attest that I have on file all holographic signatures corresponding to any signatures indicated by a conformed signature (/s/) within this e-filed document.

By: /s/ Anne Kelts Assayag
Anne Kelts Assayag
Attorneys for Defendant
BIMBO BAKERIES USA, INC.