

1 Frederick L. Douglas frederick.douglas@fedex.com  
(Admitted Pro Hac Vice)  
2 FEDERAL EXPRESS CORPORATION  
3620 Hacks Cross Road  
3 Building B, 3<sup>rd</sup> Floor  
Memphis, Tennessee 38125-8800  
4 Telephone: (901) 434-8519  
Facsimile: (901) 434-9271  
5

SEYFARTH SHAW LLP  
6 Gilmore F. Diekmann, Jr. (SBN: 050400) gdiekmann@seyfarth.com  
Francis J. Ortman, III (SBN: 213202) fortman@seyfarth.com  
7 560 Mission Street, Suite 3100  
San Francisco, California 94105  
8 Telephone: (415) 397-2823  
Facsimile: (415) 397-8549  
9

Evelyn L. Becker (SBN: 170903)  
10 O'MELVENY & MYERS LLP  
1625 Eye Street, NW  
11 Washington, DC 20006  
Telephone: (202) 383-5300  
12 Facsimile: (202) 383-5414

13 Attorneys for Defendants  
FEDEX EXPRESS  
14

15 UNITED STATES DISTRICT COURT

16 IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA

17 DERRICK SATCHELL, KALINI BOYKIN, ) Case Nos. C 03-02659 SI; C03-02878 SI  
VALERIE BROWN, RICK GONZALES, )  
18 CYNTHIA GUERRERO, RACHEL ) **CLASS ACTION**  
HUTCHINS, DANIEL SHERMAN, KELVIN )  
19 SMITH, SR., and KEN STEVENSON, on ) **ORDER DISMISSING CLASS CLAIMS**  
behalf of themselves and all other similarly ) **UNDER THE CALIFORNIA FAIR**  
20 situated, ) **EMPLOYMENT AND HOUSING ACT**  
)  
21 Plaintiffs, )  
)  
22 vs. )  
)  
23 FEDEX EXPRESS, a Delaware corporation, )  
)  
24 Defendants. )  
)

25  
26  
27  
28

1 WHEREAS, on November 14, 2006, this Court granted Plaintiffs' Motion To File A  
2 Third Amended Complaint that did not include the class claims under the California Fair  
3 Employment and Housing Act ("FEHA") previously certified by the Court;

4 WHEREAS, the Third Amended Complaint filed by plaintiffs deleted the previously  
5 certified class claims under the FEHA;

6 WHEREAS, the parties agree that the class claims under the FEHA therefore should be  
7 dismissed with prejudice;

8 WHEREAS, the parties agree that judgment on the dismissed class FEHA claims shall be  
9 entered at the same time that judgment on the rest of the claims in this case is entered;

10 THEREFORE, the parties hereby stipulate and agree that the class FEHA claims  
11 previously certified by the Court shall be dismissed with prejudice, and request that the Court so  
12 order.

13 DATED: December 5, 2006.

14  
15  
16 \_\_\_\_\_ /s/  
17 Eve H. Cervantez  
18 LIEFF, CABRASER, HEIMANN  
19 & BERNSTEIN, LLP  
20 275 Battery Street, 30<sup>th</sup> Floor  
San Francisco, CA 94111-3339  
Telephone: (415) 956-1000  
Facsimile: (415) 956-10018  
*Class Counsel*

\_\_\_\_\_ /s/  
Gilmore F. Diekmann, Jr.  
SEYFARTH & SHAW LLP  
560 Mission Street, Suite 3100  
San Francisco, CA 94105  
Telephone: (415) 397-2823  
Facsimile: (415) 397-8549  
*Counsel for the Defendant*

21 **ORDER**

22 Based upon the foregoing, and good cause appearing,

23 IT IS ORDERED that the class claims previously certified by the Court under the  
24 California Fair Employment and Housing Act are dismissed with prejudice.

25  
26 DATED: December \_\_\_\_, 2006.

  
\_\_\_\_\_  
UNITED STATES DISTRICT COURT JUDGE