

1 PAUL, HASTINGS, JANOFFSKY & WALKER LLP
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5 [Additional Counsel Listed on signature page]

6 Attorneys for Defendant
UNITED PARCEL SERVICE,

No JS-6
FILED
CLERK, U.S. DISTRICT COURT
OCT 28 1999
CENTRAL DISTRICT OF CALIFORNIA
BY *[Signature]* DEPUTY

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

LOGGED

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11 CLAYTON BUTTRAM, JR., DeJEANNE
NICHOLS, JEROME OTIS, VANESSA
12 RILEY, ALYSIA SHAW, ALICIA WHITE,
LYTHIA WHITNEY, and KEVIN
13 WINSTON, on behalf of themselves and all
others similarly situated, and ETIENNE
14 CARTER, ERSKINE GARRETTE,
REGINALD GREEN, WILLIAM LEWIS III,
15 TIMOTHY MAPFUMO, MICHAEL
McZEEK, MARLON LYNN PADEN,
16 PHILLIP SMITH, ERIC THOMAS, MARAN
WILSON, AND JEFFREY WYNN,
17 individually

18 Plaintiffs,

19 vs.

20 UNITED PARCEL SERVICE, INC.,

21 Defendant.

CASE NO. CV99-8984LGB (AJWx)

(Formerly CASE NO. C-97 01590 MJJ,
Northern District)

REVISED STIPULATION AND
~~PROPOSED~~ ORDER SEVERING THE
INDIVIDUAL ACTION OF ETIENNE
CARTER FROM THE CLASS ACTION
ENTITLED BUTTRAM, ET AL. V.
UNITED PARCEL SERVICE INC.

[The Honorable Lourdes Baird]

ENTERED
CLERK, U.S. DISTRICT COURT
NOV - 1 1999
CENTRAL DISTRICT OF CALIFORNIA
BY *[Signature]* DEPUTY

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IT IS HEREBY STIPULATED AND AGREED by and between Etienne Carter (“Plaintiff”) and Defendant United Parcel Services, Inc. (“Defendant”) through their respective counsel of record:

1. The Order dated August 24, 1999, transferring the above-captioned action, Buttram, et al. v. UPS (“the Buttram action”) in its entirety to the Central District of California will be null and void.

2. The individual action of Plaintiff Etienne Carter (the “Carter action”) will be severed from the Buttram action and will remain with the Central District of California.

3. The remainder of the Buttram action will remain with the Northern District of California, the Honorable Martin J. Jenkins, presiding, and any files currently located in the Central District of California will be transferred accordingly.

4. A copy of a Revised Stipulation and Proposed Order severing the Carter action and transferring that individual action alone to the Central District of California is being

1 filed concurrently in the Northern District of California. A copy of that Revised Stipulation and
2 Proposed Order is attached hereto for the Court's reference.

3
4 DATED: October 23, 1999 PAUL, HASTINGS, JANOFSKY & WALKER LLP

5 M. KIRBY C. WILCOX
6 LESLIE A. DENT

7
8 By: 
Kathleen L. McAckran


9 Attorneys for Defendant
10 UNITED PARCEL SERVICE, INC.

11 GIRARDI & KEESE
12 1126 Wilshire Boulevard
Los Angeles, California 90017

13
14 By: 
David Bigelow

15 IT IS SO ORDERED.

16
17
18 DATED: October 28, 1999

19 
20 JUDGE LOURDES G. BAIRD
21 UNITED STATES DISTRICT COURT JUDGE
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RECEIVED

OCT 25 1999

RICHARD W. WIERKING
CLERK, U.S. DISTRICT COURT,
NORTHERN DISTRICT OF CALIFORNIA

5 [Additional Counsel Listed on signature page]

6 Attorneys for Defendant
UNITED PARCEL SERVICE, INC.

7
8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10
11 CLAYTON BUTTRAM, JR., DeJEANNE
12 NICHOLS, JEROME OTIS, VANESSA
RILEY, ALYSIA SHAW, ALICIA WHITE,
13 LYTHIA WHITNEY, and KEVIN
WINSTON, on behalf of themselves and all
others similarly situated, and ETIENNE
14 CARTER, ERSKINE GARRETTE,
REGINALD GREEN, WILLIAM LEWIS III,
15 TIMOTHY MAPFUMO, MICHAEL
McZEEK, MARLON LYNN PADEN,
16 PHILLIP SMITH, ERIC THOMAS, MARAN
WILSON, AND JEFFREY WYNN,
17 individually

CASE NO. C-97 01590 MJJ
(Currently CASE NO. CV99-8984LGB,
Central District)

**REVISED STIPULATION AND
[PROPOSED] ORDER TRANSFERRING
INDIVIDUAL ACTION OF ETIENNE
CARTER TO THE UNITED STATES
DISTRICT COURT FOR THE CENTRAL
DISTRICT OF CALIFORNIA**

18 Plaintiffs,

[The Honorable Martin J. Jenkins]

19 vs.

20 UNITED PARCEL SERVICE, INC.,

21 Defendant.

COPY

1 IT IS HEREBY STIPULATED AND AGREED by and between Etienne Carter
2 ("Plaintiff") and Defendant United Parcel Services, Inc. ("Defendant") through their respective
3 counsel of record:

4
5 1. The Order dated August 24, 1999, transferring the above-referenced action
6 entitled Buttram, et al. v. UPS ("the Buttram action) in its entirety to the Central District of
7 California will be null and void.

8
9 2. The individual action of Plaintiff Etienne Carter (the "Carter action") will
10 be severed from the Buttram action and transferred to the Central District of California.

11
12 3. The Carter action may be transferred to the United States District Court
13 for the Central District of California because venue is proper in the Central District where
14 Defendant is located, the alleged unlawful practices occurred, relevant records are maintained,
15 and where Plaintiff Carter worked. 28 U.S.C. § 1391 (b).

16
17 4. Transfer of venue to the United States District Court for the Central
18 District of California is in the interest of justice and necessary for the convenience of parties and
19 witnesses. 28 U.S.C. § 1404 (a.).

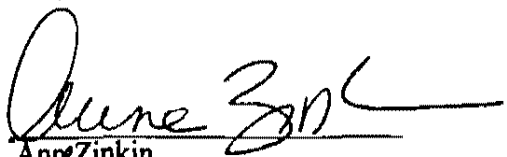
20
21 5. The remainder of the Buttram lawsuit, excluding the individual Carter
22 action, shall remain in the Northern District of California. Any files currently located in the
23 Central District shall be transferred accordingly.

24
25 6 A Revised Stipulation and Proposed Order severing the individual Carter
26 action from the Buttram action is being filed concurrently with the Central District of California.
27 A copy of that Revised Stipulation and Proposed Order is attached hereto for the Court's
28 convenience.

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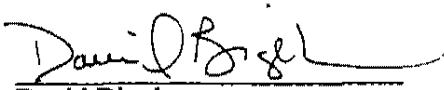
DATED: October 25, 1999 PAUL, HASTINGS, JANOFSKY & WALKER LLP

M. KIRBY C. WILCOX
LESLIE A. DENT

By: 
Ann Zinkin

Attorneys for Defendant
UNITED PARCEL SERVICE, INC.

GIRARDI & KEESE
1126 Wilshire Boulevard
Los Angeles, California 90017

By: 
David Bigelow

IT IS SO ORDERED.

DATED: October __, 1999

JUDGE MARTIN J. JENKINS
UNITED STATES DISTRICT COURT JUDGE

1 STATE OF CALIFORNIA
2 CITY AND COUNTY OF SAN FRANCISCO } ss:

3 I am employed in the City and County of San Francisco, State of California. I am
4 over the age of 18 and not a party to the within action. My business address is Paul,
Hastings, Janofsky & Walker LLP, Twenty-Third Floor, 555 South Flower Street, Los
Angeles, California 90071-2371.

5 On October 27, 1999 I served the foregoing document(s) described as:

6 **REVISED STIPULATION AND [PROPOSED] ORDER SEVERING THE INDIVIDUAL**
7 **ACTION OF ETIENNE CARTER FROM THE CLASS ACTION ENTITLED**
8 **BUTTRAM, ET AL. V. UNITED PARCEL SERVICE INC.**

9 on the interested parties, by placing a true and correct copy thereof in a sealed
envelope(s) addressed as follows:

- | | | |
|----|--|---------------------------------------|
| 10 | David Bigelow | Robert Y. Chan |
| 11 | GIRARDI & KEESE | LAW OFFICES OF ROBERT Y. CHAN |
| 12 | 1126 Wilshire Boulevard | Steuart Place |
| | Los Angeles, California 90017 | One Thirty-One Steuart Street |
| | | Fourth Floor |
| 13 | James M. Finberg | San Francisco, CA 94105-1230 |
| | Jacqueline E. Motteck | |
| 14 | Kelly M. Dermody | Beryl Crumpton |
| | Jonathan D. Selbin | LAW OFFICES OF BERYL M. |
| 15 | Joshua P. Davis | CRUMPTON |
| | LIEFF, CABRASER, HEIMANN & | 1330 Broadway, Suite 833 |
| 16 | BERNSTEIN, LLP | Oakland, CA 94612 |
| | Embarcadero Center West | |
| 17 | 275 Battery Street, 30 th Floor | John L. Burris |
| | San Francisco, CA 94111 | Reginald V. Terrell |
| 18 | | LAW OFFICES OF JOHN BURRIS |
| 19 | Jon Logan Edwards | 1212 Broadway, 12 th Floor |
| | RAIFMAN & EDWARDS | Oakland, CA 94612 |
| 20 | Steuart Place | |
| | One Thirty-One Steuart Street, 4 th Floor | |
| | San Francisco, CA 94105-1230 | |

21 VIA U.S. MAIL:

22 I am readily familiar with the firm's practice of collection and processing of
23 correspondence for mailing. Under that practice such envelope(s) would be
24 deposited with the U.S. postal service on October 27, 1999, thereon fully
prepaid, at San Francisco, California.

25 I declare under penalty of perjury under the laws of the United States that
26 the foregoing is true and correct.

27 Executed on October 27, 1999, at Los Angeles, California.

28 
Lorraine Cardenas