

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF KENTUCKY  
AT LOUISVILLE**

IN RE: AMAZON.COM, INC., FULFILLMENT  
CENTER FAIR LABOR STANDARDS ACT (FLSA) and  
WAGE AND HOUR LITIGATION

Master File No. 14-MD-2504  
MDL No. 2504  
JUDGE HEYBURN

**AGREED ORDER REGARDING THE AMAZON DEFENDANTS' MOTION TO  
ENJOIN FILING AND/OR PROSECUTION OF OVERLAPPING PAGA CLAIM**

Comes Now, Plaintiffs David C. Saldana, Ladaisja Brewster, Monica Carlin and Khadijah Robertson (the “*Saldana* Plaintiffs), Defendants Amazon.com, Inc., Amazon.com, LLC and Golden State FC, LLC (the “Amazon Defendants”), and Defendants SMX, LLC and Staff Management, LLC (the “SMX Defendants”) (collectively, the “*Saldana* Parties”), having reached an agreement regarding Amazon’s Motion To Enjoin Filing And/Or Prosecution Of Overlapping PAGA Claim (Dkt. No. 44) (“Motion to Enjoin”), the parties jointly agree and stipulate to the following:

Whereas, the Amazon Defendants have notice of a potential claim by Khadijah Robertson regarding California wage and hour claims and a potential Private Attorneys’ General Act claim arising under California Labor Code Section 2698, et seq., which the Amazon Defendants assert duplicate and overlap the legal claims, factual theories and legal theories that are pled in the First Amended Class Action Complaint in *Saldana v. Amazon.com, LLC*, Case No. 3:14-cv-00290-JGH (C.D. Cal.), which has been transferred to this Court pursuant to order of the Judicial Panel on Multi-District Litigation (MDL Panel);

Whereas, Plaintiffs were unable to timely name a suitable class representative as to Defendant Golden State, FC, LLC in the initial filing of the *Saldana* action and before the MDL Panel ordered that *Saldana* be transferred to this Court;

Whereas, this Court has ordered that this multi-district litigation matter shall be stayed pending ruling from the United States Supreme Court in the *Busk* case (3:14CV-139-H). Dkt. No. 16 (the “Order of Stay”);

Whereas, the Amazon Defendants (with the support and consent of SMX) seek to prevent the filing or prosecution of any lawsuit in state court asserting any duplicative claims or claims that overlap the legal claims, factual theories or legal theories that are pled in *Saldana*, and have filed the Motion To Enjoin Filing And/Or Prosecution Of Overlapping PAGA Claim to preclude the same;

Whereas, after conducting a meet and confer, the *Saldana* Parties in good faith agree that any new potentially overlapping claims based on the same factual predicate as the claims that are pled in *Saldana* should be centralized before this Court pursuant to the MDL Panel’s orders, and be subject to the Order of Stay;

Whereas, the *Saldana* Plaintiffs seek to merely perfect the existing *Saldana* action to include all claims against all Amazon Defendants with individuals who the *Saldana* Plaintiffs assert are suitable potential class representatives;

THE PARTIES AGREE AND STIPULATE AS FOLLOWS:

1. The law firms of Hamner Law Offices APC, The Markham Law Firm, Cohelan Khoury & Singer, The Thierman Law Firm, United Employees Law Group PC and their co-counsel and any others acting in concert therewith will not file any lawsuit in the State of California asserting any duplicative claims or claims that overlap the legal claims, factual

theories or legal theories that are predicated upon facts as pled in the *Saldana* First Amended Class Action Complaint.

2. The *Saldana* Plaintiffs shall be permitted to amend their First Amended Class Action Complaint and file a Second Amended Complaint for the sole purposes of (i) adding Khadijah Robertson as a plaintiff and putative class representative, and will plead on her behalf all of the same claims and legal theories that currently are pled in the operative complaint in *Saldana v. Amazon.com, LLC*, Case No. 3:14-cv-00290-JGH (C.D. Cal.) and (ii) including Golden State, FC, LLC, as a Defendant. A true and correct copy of the proposed Second Amended Complaint is attached hereto as Exhibit A.

3. The Parties agree and stipulate that within 5 court-days of entry of this Agreed Order, the *Saldana* Plaintiffs will file the proposed Second Amended Complaint that is attached as Exhibit A hereto. Defendants will respond to the same within the time period provided by the Federal Rules of Civil Procedure. The Parties further agree that other than the filing of the proposed Second Amended Complaint and responsive pleadings thereto, all Parties will continue to abide by the Order of Stay imposed on the action.

4. Nothing in this agreement and stipulation as it relates to the *Saldana* Plaintiffs or their counsel shall in any way be construed or implied to restrict the future representation by any counsel of other members of the public, nor shall it be construed to in any way infringe or avoid obligations of counsel pursuant to California Rule of Professional Conduct, Rule 1-500.

5. If any additional potential plaintiffs or proposed class members retain counsel for the *Saldana* Plaintiffs based on the same factual and legal predicates as outlined in the *Saldana* First or Second Amended Complaint, counsel for the *Saldana* Plaintiffs will initiate and the *Saldana* Parties will promptly (not to exceed 20 days) meet and confer and make good faith

efforts to resolve any issue before any of the counsel or law firms who are signatories to this Agreed Order file any action or seek leave of this Court to amend, add or join said additional plaintiff. If the *Saldana* Parties cannot reach an agreement, the *Saldana* Defendants shall have leave to file and appropriate Motion to Enjoin, and the Court will allow full briefing on that motion.

6. In the event that the Court does not approve this Agreed Order, it shall be null and void and the Court shall extend the briefing schedule on the pending Motion to Enjoin as deemed appropriate, fair and just.

**BASED ON GOOD CAUSE SHOWN, IT IS SO ORDERED:**

Respectfully submitted,

By /s/ J. Jason Hill  
(w/ permission)

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was filed this 23rd day of May, 2014, and served on the parties via the Court's ECF system.

s:\ Kathryn A. Quesenberry  
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