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MCCORMICK & SCHMICK'S
11 SEAFOOD RESTAURANTS, INC. and
MCCORMICK & SCHMICK'S RESTAURANT CORP.
12

13 UNITED STATES DISTRICT COURT

14 IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA

15 JUANITA WYNNE and DANTE BYRD, ON)
BEHALF OF THEMSELVES AND CLASSES)
16 OF THOSE SIMILARLY SITUATED,)

17 Plaintiffs,)

18 v.)

19 MCCORMICK & SCHMICK'S SEAFOOD)
RESTAURANTS, INC. and MCCORMICK &)
20 SCHMICK RESTAURANT CORP.,)

21 Defendants.)
22

Case No. CV-06-3153 CW

**STIPULATION AND ORDER TO
ACCOUNT FOR CLAIMANTS WHO
PREVIOUSLY SETTLED RACE
DISCRIMINATION CLAIMS
ENCOMPASSED BY CONSENT
DECREE**

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1 WHEREAS, on August 7, 2008, this Court held a Final Approval Hearing on this Class
2 Action Settlement and entered an Order granting Plaintiffs' Motion For Final Approval of Class
3 Action Settlement;

4 WHEREAS, between 2003 and 2007, Defendants settled six individual race
5 discrimination claims brought by former employees Andre Cox, Anuheia Richardson, Donald
6 Stanfield, Shannon Campbell, Kevin Fuller and Bryant Storey;

7 WHEREAS, each of these six former employees of Defendants settled and fully released
8 their respective race discrimination claims in exchange for a monetary payment;

9 WHEREAS, counsel for Defendants have shared the six individual settlement agreements
10 with Class Counsel to demonstrate that all six persons have previously settled claims of race
11 discrimination and that the individual employees did not work for Defendants for any period of
12 time subsequent to the execution of their respective settlement agreements;

13 WHEREAS, the six individuals Andre Cox, Anuheia Richardson, Donald Stanfield,
14 Shannon Campbell, Kevin Fuller and Bryant Storey filed claims with the Claims Administrator
15 to participate in the monetary settlement of this Class Action; and

16 WHEREAS, the parties to this Stipulation are in agreement that these six class claimants
17 have previously resolved their respective race discrimination claims with Defendants in
18 exchange for a monetary payment and that each claimant should therefore not receive an
19 additional payment as a claimant in this Class Settlement.

20 IT IS HEREBY STIPULATED BY AND BETWEEN COUNSEL FOR THE PARTIES:
21 the six claimants Andre Cox, Anuheia Richardson, Donald Stanfield, Shannon Campbell, Kevin
22 Fuller and Bryant Storey did resolve with Defendants individual claims of race discrimination
23 prior to the entry of this Court's Order dated August 7, 2008; and therefore their six individual
24 claims submitted to the Claims Administrator for this Class Action should be denied.

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1 DATED: August 8, 2008

SEYFARTH SHAW LLP

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By /s/ William C. Thomas III
William C. Thomas III

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I hereby attest that I have on file all holograph signatures for any signatures indicated by a “conformed” signature (/S/) within this efiled document.

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Attorneys for Defendants

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MCCORMICK & SCHMICK’S SEAFOOD RESTAURANTS, INC. and MCCORMICK & SCHMICK’S RESTAURANT CORP.

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11 DATED: August 8, 2008

By: /s/ James M. Finberg

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I hereby attest that I have on file all holograph signatures for any signatures indicated by a “conformed” signature (/S/) within this efiled document.

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*Attorneys for Plaintiffs and the proposed Class
Members JUANITA WYNNE and DANTE BYRD,
on behalf of themselves and classes of those
similarly situated*

ORDER

The foregoing stipulation is approved, and IT IS SO ORDERED.

Date: 8/11/08



Hon. Claudia Wilken
United States District Judge