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18 SUPERIOR COURT OF CALIFORNIA
19 COUNTY OF ALAMEDA – COMPLEX DIVISION

20 EVELYN HOLLIMAN, SHERRY CALLAHAN,)
THANA BRUNGES AND SHANEE JONES, on)
21 behalf of themselves and other members of the)
general public similarly situated,)

22 Plaintiffs,)
23 v.)

24 KAISER FOUNDATION HEALTH PLAN,)
KAISER FOUNDATION HOSPITALS, THE)
25 PERMANENTE MEDICAL GROUP,)
SOUTHERN CALIFORNIA PERMANENTE)
26 MEDICAL GROUP; and DOES 1 through 10,)
inclusive,)
27 Defendants.)

Case No. RG 05247858

**JOINT STIPULATION OF
SETTLEMENT AND RELEASE
BETWEEN PLAINTIFFS AND
DEFENDANTS**

1 This Joint Stipulation of Settlement and Release (“Stipulation of Settlement”) is made
2 and entered into by and between Plaintiffs Evelyn Holliman, Sherry Callahan, Thana Brunges
3 and Shanee Jones (“Plaintiffs” or “Class Representatives”), and Defendants Kaiser Foundation
4 Health Plan, Inc., Kaiser Foundation Hospitals, The Permanente Medical Group and Southern
5 California Permanente Medical Group (“Defendants”), and is subject to the terms and conditions
6 herein and the approval of the Court. Plaintiffs and Defendants are referenced collectively
7 herein as “the Parties.”

8 1. On December 22, 2005, Plaintiff Holliman filed a proposed class action complaint
9 in the Alameda Superior Court, Case No. RG 05247858, captioned, *Evelyn Holliman,*
10 *individually and on behalf of other members of the general public similarly situated v. Kaiser*
11 *Foundation Hospitals., Southern California Permanente Medical Group and DOES 1 through*
12 *20, inclusive* (the “Lawsuit”). The complaint alleged that Holliman and other similarly-situated
13 employees had been underpaid overtime due pursuant to the overtime rules within the Fair Labor
14 Standards Act because of failure to include certain types of pay, such as “shift differentials,” in
15 employees’ “regular rate of pay.” The complaint alleged further violations of California law,
16 including, but not necessarily limited to, violations of Business & Professions Code § 17200 and
17 Labor Code §§ 201, 202, 203, and 226(a). Plaintiffs sought restitution of unpaid overtime, civil
18 penalties, prejudgment interest, and attorneys’ fees and costs. On February 7, 2006, Plaintiffs
19 filed an Amended Complaint, alleging the same causes of action, and adding Kaiser Foundation
20 Health Plan, Inc. and The Permanente Medical Group as defendants. Plaintiffs Callahan,
21 Brunges and Jones were added as additional putative class members shortly thereafter.

22 2. For purposes of this settlement agreement, a “Class Member” shall be defined as
23 follows:

24 “All current and former non-exempt hourly workers employed by
25 Defendants at their business locations within the state of California from
26 December 22, 2001 through the date of preliminary approval of the
27 settlement.”

28 The “Class Members” in the aggregate shall also be referred to herein as the “Settlement Class.”

