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Attorneys for Defendant Metropolitan
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16 **UNITED STATES DISTRICT COURT**
17 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
18

19 SYLVIA DARENSBURG and VIVIAN
20 HAIN, individuals on behalf of themselves
and all others similarly situated;
21 AMALGAMATED TRANSIT UNION
192; COMMUNITIES FOR A BETTER
22 ENVIRONMENT,

23 Plaintiffs,

24 v.

25 METROPOLITAN TRANSPORTATION
26 COMMISSION,

27 Defendant.
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No. C 05-01597 EDL

**STIPULATION AND [PROPOSED]
ORDER**

1 The parties stipulate and agree that this action shall be maintained as a class action
2 pursuant to Fed. R. Civ. P. 23(a) and (b)(2), on behalf of a class of Black, Hispanic, Asian or
3 Pacific Islander, and American Indian or Alaskan native individuals who are patrons of AC
4 Transit. *See* 28 C.F.R. § 42.402 (defining designations “Black,” “Hispanic,” “Asian or Pacific
5 Islander,” and “American Indian or Alaskan native” for purpose of Title VI of the Civil Rights
6 Act of 1964, 42 U.S.C. § 2000d).

7 Defendant Metropolitan Transportation Commission (“MTC”) does not oppose Plaintiffs’
8 request that Plaintiffs Sylvia Darensburg and Vivian Hain be certified as representative plaintiffs
9 pursuant to Fed. R. Civ. P. 23(a)(3)-(4). MTC’s nonopposition is without prejudice to its right to
10 challenge the designated representatives on any basis, whether under Fed. R. Civ. P. 23 or
11 otherwise, depending upon facts and legal theories that develop in the case.

12 MTC does not oppose Plaintiffs’ request that Lewis, Feinberg, Lee, Renaker & Jackson,
13 P.C.; Public Advocates, Inc.; Cooley Godward Kronish LLP, and Lieff, Cabraser, Heimann &
14 Bernstein LLP be appointed class counsel pursuant to Fed. R. Civ. P. 23(g). MTC’s
15 nonopposition is without prejudice to MTC’s right to challenge the designated class counsel on
16 any basis and is given based upon Plaintiffs’ representations that designated class counsel are
17 qualified, competent and do not have interests in conflict with either the interests of Plaintiffs or
18 the interests of any other designated class counsel. Moreover, MTC reserves the right to raise any
19 appropriate challenge to any request for fees or costs made by designated counsel, on grounds
20 that may include but would not be limited to duplication of efforts and inefficiencies created by
21 Plaintiffs’ election to designate multiple law firms as class counsel.

22 IT IS SO STIPULATED.
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1 Dated: December 7, 2007

LEWIS, FEINBERG, LEE, RENAKER & JACKSON,
P.C.

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By: _____ /s/

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