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22 *and Chubb Group Holdings, Inc.*

23 UNITED STATES DISTRICT COURT
24 FOR THE NORTHERN DISTRICT OF CALIFORNIA
25 OAKLAND DIVISION

26 GREG BOESCH, individually, on behalf of
27 others similarly situated, and on behalf of the
28 general public,

Plaintiffs,

vs.

FEDERAL INSURANCE COMPANY;
CHUBB LTD. doing business as Chubb
Group of Insurance Cos.; CHUBB GROUP
HOLDINGS, INC.; and DOES 1-50,
inclusive,,

Defendants. _____ /

Case No. 4:16-cv-03536-YGR

**JOINT STATEMENT
REGARDING CONDITIONAL
CERTIFICATION**

Hon. Yvonne Gonzalez Rogers

Complaint Filed: June 23, 2016
Amended Complaint: Aug. 10, 2016

1 Per the Court's Order dated March 16, 2017 (Dkt. #55), the Parties submit the following
2 joint statement.

3
4 1. On March 10, 2017, the Parties informed the Court of their agreement to stipulate
5 to conditional certification of an FLSA class of Personal Lines Appraisers, Personal Lines Risk
6 Consultants, Senior Personal Lines Appraisers, Personal Lines Appraisal Specialists, or other
7 similar positions (collectively "Appraisers"), who were employed by Federal Insurance at any
8 time since March 1, 2014. The Parties simultaneously informed the Court of Plaintiffs' agreement
9 to stipulate to dismissal of the Rule 23 class allegations and Defendants' agreement to withdraw
10 their request for permission to file a motion to deny certification of the proposed Rule 23 class.
11 The Parties further informed the Court of ongoing discussions concerning whether certain
12 Appraisers who were formerly employed by ACE American Insurance Company prior to the
13 merger between ACE and Chubb should be included in the FLSA class from the date of
14 integration forward. (*See generally* Dkt. #54.)

15 2. The Parties have now agreed to stipulate that Appraisers who were employed by
16 ACE American Insurance Company as part of ACE's personal insurance business shall be
17 included in the conditionally certified FLSA class as to work performed from the date the merger
18 between ACE Ltd. and Chubb closed (January 14, 2016) forward.

19 3. This stipulation discussed in paragraphs 1 and 2, above, is without prejudice to,
20 and shall have no bearing on, Defendants' ability to challenge certification of the FLSA class at a
21 later date, through motion for decertification or otherwise, Defendants' ability to challenge the
22 merits of any particular opt-in's claims, and/or Defendants' ability to seek enforcement of the
23 binding arbitration agreement it asserts those ACE Appraisers described in paragraph 2, above,
24 have signed.

25 4. Given that ACE American Insurance Company is not named as a Defendant in the
26 operative complaint (Plaintiffs' First Amended Complaint, Dkt. #9), the Parties have initiated
27 discussions as to Plaintiffs' filing of a Second Amended Complaint pursuant to Federal Rule of
28 Civil Procedure 15(a)(1)(B)(2). The Parties have agreed to stipulate to Plaintiffs' filing of a

1 Second Amended Complaint to add ACE American Insurance Company as a Defendant in a
2 matter consistent with Paragraphs 2-3 of this Statement. The Parties wish to continue discussions
3 as to whether the Parties may enter a broader stipulation involving Plaintiffs' agreement to
4 dismiss certain Defendants named in the operative complaint whose presence may not be
5 necessary to the resolution of this lawsuit. The Parties anticipate being able to resolve these issues
6 via stipulation within a week and, accordingly, Plaintiff anticipates filing a Second Amended
7 Complaint no later than March 28, 2017.

8 5. The Parties will also meet and confer as to the terms of a proposed Notice to
9 putative members of the FLSA class including, once ACE American Insurance Company has
10 been served and appeared in this action, the production of a list of former ACE Appraisers who
11 meet the class definition described above pursuant to the existing protective order in this case (*see*
12 *Dkt. #40*). The Parties anticipate that they will submit to the Court a proposed Notice no later than
13 April 12, 2017, with the intent to distribute such Notice, subject to the Court's approval, on or
14 about April 26, 2017.

15
16 RESPECTFULLY SUBMITTED,

17
18 Dated: March 20, 2017

BRYAN SCHWARTZ LAW

19
20 By: /s/ Bryan Schwartz
21 Bryan Schwartz (SBN 209903)
22 Logan Starr (SBN 305598)
ATTORNEYS FOR PLAINTIFFS

23
24 Dated: March 20, 2017

LITTLER MENDELSON P.C.

25 By: /s/ Marlene S. Muraco
26 Marlene S. Muraco (SBN 154240)
27 Karin M. Cogbill (SBN 244606)
ATTORNEYS FOR DEFENDANTS
FEDERAL INSURANCE CO. AND
CHUBB GROUP HOLDINGS, INC.

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ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1(i)(3)

Pursuant to Civil Local Rule 5-1(i)(3), I attest that the concurrence in the filing of the Joint Statement submitted by Plaintiff Greg Boesch has been obtained from the other signatory therein, Marlene Muraco, attorney for Defendants, in this matter.

Dated: March 20, 2017

/s/ Bryan Schwartz
Bryan Schwartz

1 UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA

3 Greg Boesch, individually, on behalf of others
4 similarly situated, and on behalf of the general
5 public,

6 Plaintiffs,

7 vs.

8 Chubb Ltd. d/b/a Chubb Group of Insurance Cos.;
9 Federal Insurance Co.; Chubb Group Holdings, Inc.;
10 ACE American Insurance Co.; and DOES 1-50,
11 inclusive,

12 Defendants.


Case No. 4:16-cv-3536-YGR

**[PROPOSED] ORDER
13 APPROVING NOTICE OF
14 COLLECTIVE ACTION AND
15 CONSENT-TO-JOIN FORM**

16 On April 26, 2017, the Parties, after meeting and conferring, jointly submitted the
17 proposed Notice of Collective Action and the proposed Consent-to-Join Form to the Court for
18 approval. (See Dkt. #62.) Having reviewed the Parties' joint submissions, the Court hereby
19 approves the form and contents of the Notice of Collective Action (Dkt. #62-1) and Consent-to-
20 Join Form (Dkt. #62-2) and authorizes their distribution to putative collective action members.

21 IT IS THEREFORE ORDERED that the Parties are authorized to distribute the Notice of
22 Collective Action and Consent-to-Join Form according to the terms described in the Parties' Joint
23 Letter to the Court (Dkt. #62) and the Notice of Collective Action (Dkt. #62-1).

24 Dated: May 10, 2017

25 
26 The Honorable Yvonne Gonzalez Rogers
27 Judge of the United States District Court
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