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10 Attorneys for Plaintiffs, JUAN ESPINOZA, PAUL
 11 MARQUEZ, AARON EPPERLY and ERIC SCHMIDT

12 IN THE UNITED STATES DISTRICT COURT
 13 FOR THE EASTERN DISTRICT OF CALIFORNIA

15 JUAN ESPINOZA, PAUL MARQUEZ,
 16 AARON EPPERLY and ERIC
 SCHMIDT,

17 Plaintiffs,

18 v.

19 COUNTY OF FRESNO,

20 Defendant.

Case No. 1:07-CV-01145-OWW-SMS

**SECOND STIPULATION AND ORDER
 TOLLING STATUTES OF LIMITATION FOR
 FILING ACTIONS**

22 WHEREAS, on March 25, 2013 this Court issued an Order granting
 23 Defendant's Motion for Decertification of Collective Action; and

24 WHEREAS, pursuant to that Order the Court ordered that, with the exception
 25 of the four lead ("named") Plaintiffs in the action all other Plaintiffs' claims were severed
 26 from the action and dismissed without prejudice subject to each Plaintiff filing a separate
 27 action for his or her claims; and

1 WHEREAS, the Order has the effect of severing and dismissing the claims of
2 over 200 Plaintiffs; and

3 WHEREAS, the Parties previously stipulated that the statutes of limitation be
4 tolled for an additional thirty (30) days after the date of entry of the Order; and

5 WHEREAS, despite efforts by US Mail, Certified Mail, return receipt
6 requested, email and telephone, Plaintiffs' counsel have still not heard from all of the opt-
7 in Plaintiffs as to whether they wish to proceed by separate actions, and

8 WHEREAS, in order to facilitate the efforts of Plaintiffs' counsel to contact
9 their clients and ascertain their wishes with respect to filing of new actions, it is hereby
10 stipulated and agreed to by the parties as follows:

11 1. That any applicable statutes of limitation relating to the filing of the
12 separate actions by the dismissed Plaintiffs as described in the Court's March 25, 2013
13 Order granting Defendant's Motion for Decertification of Collective Action, be and are
14 extended from the date of entry of the Order (March 25, 2013) to June 14, 2013 provided
15 however, that this stipulation shall apply only to the dismissed Plaintiffs identified in
16 Exhibit A attached hereto who have not as of the date of this Stipulation confirmed
17 whether they wish to have a new action filed on their behalf.

18 I hereby agree to the terms of the above Stipulation.

19 Dated: May 16, 2013 **CARROLL, BURDICK & MCDONOUGH, LLP**

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21 By: /s/ James W. Henderson, Jr.
22 James W. Henderson, Jr.
23 Attorneys for Plaintiffs Juan Espinoza, Paul
24 Marquez, Aaron Expertly and Eric Schmidt

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1 I hereby agree to the terms of the above Stipulation.

2 Dated: May 16, 2013

**MCCORMICK, BARSTOW, SHEPPARD,
3 WAYTE & CARRUTH**

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By: /s/ Michael G. Woods
(as authorized on May 16, 2013)
Michael G. Woods
Attorneys for Defendant

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ORDER

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The parties having stipulated, it is ordered that any applicable statutes of limitation relating to the filing of individual actions by the dismissed opt-in Plaintiffs identified on Exhibit A to [Docket Entry 185 \(STIPULATION and PROPOSED ORDER\)](#) pursuant to the Court's Order granting Defendant's Motion for Decertification of Collective Action dated March 25, 2013 are hereby tolled from the date of that Order to June 14, 2013.

Dated: 5/21/2013

/s/ SANDRA M. SNYDER
United States Magistrate Judge