

1 Gary M. Messing, No. 075363  
 James W. Henderson, Jr., No. 071170  
 2 **CARROLL, BURDICK & McDONOUGH LLP**  
 Attorneys at Law  
 3 980 9<sup>th</sup> Street Suite, 380  
 Sacramento, CA 95814  
 4 Telephone: 916.446.5297  
 Facsimile: 916.448.5047  
 5 Email: [gmessing@cbmlaw.com](mailto:gmessing@cbmlaw.com)  
[jhenderson@cbmlaw.com](mailto:jhenderson@cbmlaw.com)

6 William B. Aitchison, No. 90642  
 7 AITCHISON & VICK, INC.  
 3021 NE Broadway  
 8 Portland, OR 97232  
 Telephone: (503) 282-6160  
 9 Facsimile: (503) 282-5877  
 Email: [will@aitchisonvick.com](mailto:will@aitchisonvick.com)

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

**THIRD 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 fifty-one (51) days after the date of entry of the Order to June 14,  
5 2013; and

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

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

12           1. That any applicable statutes of limitation relating to the filing of the  
13 separate actions by the dismissed Plaintiffs as described in the Court's March 25, 2013  
14 Order granting Defendant's Motion for Decertification of Collective Action, be and are  
15 extended from the date of entry of the Order (March 25, 2013) to June 28, 2013 provided  
16 however, that this stipulation shall apply only to the dismissed Plaintiffs identified in  
17 Exhibit A attached hereto who have not as of the date of this Stipulation confirmed  
18 whether they wish to have a new action filed on their behalf.

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

20 Dated: June 7, 2013

**CARROLL, BURDICK & MCDONOUGH, LLP**

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

26  
27 //  
28 //

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

2 Dated: June 7, 2013

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

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By: /s/ William H. Littlewood  
(as authorized on June 7, 2013)  
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 hereto 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 28, 2013. The Court shall grant no further extension of time absent a “meet and confer” with the Court showing extreme good cause for an additional extension.

Dated: 6/13/2013

/s/ SANDRA M. SNYDER \_\_\_\_\_

UNITED STATES MAGISTRATE JUDGE

## EXHIBIT A

Name
Alonzo, Victor
Alvarez, Randy
Barile, David
Bellefeuille, Phillip E.
Bolton, Douglas
Carey, Robert J.
Chandavong, Latana M.
Chatman, Dewayne
Clark, Michael
Cornell, Michael
Dau, Brian
Davis, Donna
Diaz, Jesus
Dixon, Anthony
Dull, William
Dutrow, Robert
Fierro, Ronald
Fuentez, Edangel
Garcia III, Pete
Gauthier, Sharla C.
Green, Glen L.
Greenwood, James
Harper, Frank
Harris, John
Harris, Chris
Harris, Mark
Herion, Austin
Hicks, Robert E.
Hillis, Brian
Horne, David A.
Jacobsen, Timothy
Jones, Michael W.
Kelly, Brenna
Kelzer, Alan C.
Lomeli, Jose
Loredo, Jaime R
Maldonado, Adam
Maldonado, Arthur
Marean, Robert
Martinez, Robert
McArthur, Sabrina Kay
MelKonian, Brian

Name
Montgomery, Cory B.
Moua, Sher
Mullis, Jared
Nelson, Chris J.
Nulick, Michale
Olivas, Darrel J.
O'Neill, Walden
Paul, Yvette
Pino, Jon W
Pipkin, Lewis G.
Quinn, Sean
Richards, Josh
Rivera, Tim
Rodriguez, Carlos Anthony
Rodriguez, Ramiro
Royal, Jason
Sandhu, Gurjeet
Schmidt, Gary
Siemens, Greg
Sims, Jon
Snyder, Edward C.
Soto, Miguel
Souza, John D.
Tafoya, Steven
Taylor, Chad
Vallez, Johnny
Vang, Nick
Vincent, William
Wahlenmaier, Joel/Estate of Joel
Wahlenmaier
Weibert, Dennis L.
Xiong, Neng
Xiong, Phia
Yang, Kong