

1 Stan S. Mallison (SBN 184191)
Hector R. Martinez (SBN 206336)
2 Marco A. Palau (SBN 242340)
Jessica Juarez (SBN 269600)
3 MALLISON & MARTINEZ
Attorneys at Law
4 1939 Harrison Street, Suite 730
Oakland, CA 94612
5 Telephone: (510) 832-9999
Facsimile: (510) 832-11012
6 StanM@TheMMLawFirm.com
HectorM@TheMMLawFirm.com
7 MPalau@TheMMLawFirm.com
JJuarez@TheMMLawFirm.com

8 Brett L. Dickerson, #184884
9 Gianelli & Associates
A Professional Law Corporation
10 1014 – 16th Street
P. O. Box 3212
11 Modesto, CA 95353
Telephone: (209) 521-6260

Anthony Raimondo, # 200387
McCormick, Barstow, Sheppard,
Wayte & Carruth LLP
P.O. Box 28912
5 River Park Place East
Fresno, CA 93720-1501
Telephone: (559) 433-1300
Facsimile: (559) 433-2300

13 Attorneys for Defendants

14 UNITED STATES DISTRICT COURT

15 EASTERN DISTRICT OF CALIFORNIA (FRESNO)

16 RIGOBERTO FLORES, JUAN FLORES,
17 ELADIO FLORES and JOEL VERDUGO
on behalf of themselves, the State of
18 California and all current and former
employees of DEFENDANTS,

19 Plaintiffs,

20 v.

21 EDWIN GENASCI, GENASCI RANCH,
22 LP and GENASCI DAIRY, INC., a
California corporation,

23 Defendants.

Case No. 1:09-CV-01618-AWI-JLT

**STIPULATION AND ORDER TO
POSTPONE DATES AND DEADLINES
BASED UPON PROPOSED SETTLEMENT
OF ALL CLAIMS**

24
25 The parties in the above-referenced matter hereby stipulate to the following:

- 26 1. The parties mediated the case on January 4, 2011 before mediator Dan Quinn.
27 2. During that mediation, the parties hereto have reached a settlement and have
28 signed a memorandum of understanding. Currently, the parties are working to complete the final

1 settlement agreement, which will need to be approved by this Court pursuant to the California
2 Private Attorney General's Act, (the "PAGA"). The parties hereto shall submit the final
3 settlement agreement to the Court for approval no later than March 1, 2011.

4 3. Given that Court approval of any settlement agreement is required, the parties
5 hereto through their undersigned counsel respectfully submit this stipulation for extension of time
6 related to discovery to this Court in light of the deadlines imposed by the current scheduling
7 order. Specifically, both parties have propounded written discovery, and each has informed the
8 other that there are potential issues that will need to be addressed through the meet and confer
9 process. If unresolved, these matters could potentially become the basis for motions to compel
10 further answers or the propounding of additional discovery. Given the dire condition of the
11 California dairy industry during the duration of this matter, there has been an ongoing effort to
12 negotiate a resolution of this matter before the significant expense of filing motions to compel and
13 deposing the named parties plus relevant percipient witnesses was incurred.

14 4. Given the results of the mediation that was conducted on January 4th, it appears
15 that the matter has been successfully resolved, pending the execution of the final settlement
16 agreement and the Courts approval of the PAGA elements of the action. The Parties desire to
17 complete the final settlement documents and obtain court approval thereof without the need to
18 complete depositions prior to the current January 28, 2011 cutoff date for non-expert discovery.

19 5. Towards this end, the parties have stipulated to extend all discovery deadlines for
20 60 days, pending final approval of the settlement agreement by this Court.

21 6. The parties have obtained no prior extensions of time related to discovery in this
22 matter.

23 7. In addition, the parties have agreed and stipulated that all deadlines except the pre-
24 trial conference and trial dates, be extended as follows:

	<u>Current</u>	<u>Proposed</u>	
25			
26	Parties Submit Finalized Settlement Agreement	NA	March 1, 2011
27	Non-Expert Discovery:	Jan. 28, 2011	March 31, 2011
28	Supplemental Expert Disclosure:	February 25, 2011	April 30, 2011

1	Expert Discovery:	May 6, 2011	June 6, 2011
2	Motion Deadlines:		
3	Non-Dispositive Filing:	May 13, 2011	May 15, 2011
4	Dispositive Filing:	July 8, 2011	May 25, 2011
5	Pretrial Conference:	September 8, 2011	No change
6	Jury Trial:	December 6, 2011	No change

7 This schedule endeavors to compress the existing discovery dates while leaving adequate
8 time for the consideration of dispositive motions prior to the pre-trial conference, which, along
9 with the trial date, remains unchanged.

10 Dated: January 20, 2011

McCORMICK, BARSTOW, SHEPPARD,
WAYTE & CARRUTH LLP

13

By: /s/ Anthony Raimondo

14

Anthony Raimondo

15

Attorneys for Defendants

16

EDWIN GENASCI, GENASCI RANCH,
LP and GENASCI DAIRY, INC.

17

18 Dated: January 20, 2011

GIANELLI & ASSOCIATES

19

20

By: /s/ Brett L. Dickerson

21

Brett L. Dickerson

22

Attorneys for Defendants

23

EDWIN GENASCI, GENASCI RANCH,
LP and GENASCI DAIRY, INC.

24

25

26

27

28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated: January 20, 2011

MALLISON & MARTINEZ

By: /s/ Stan Mallison
Stan Mallison
Attorneys for Plaintiffs
RIGOBERTO FLORES, JUAN FLORES,
ELADIO FLORES and JOEL VERDUGO

