

1 **SUTTON HATMAKER LAW CORPORATION**
 S. BRETT SUTTON 143107
 2 brett@suttonhatmaker.com
 SUSAN K. HATMAKER 172543
 3 susan@suttonhatmaker.com
 JARED HAGUE 251517
 4 jared@suttonhatmaker.com
 6715 N. Palm Avenue, Suite 214
 Fresno, California 93704
 5 Telephone: (559) 449-1888
 6 Facsimile: (559) 449-0177
 Attorneys for Plaintiff
 7 SIMON V. GARCIA

8 UNITED STATES DISTRICT COURT
 9 EASTERN DISTRICT OF CALIFORNIA – FRESNO DIVISION

10 * * *

11 SIMON V. GARCIA, an individual,)
)
 12 Plaintiff,)
)
 13 vs.)
)
 14 GORDON TRUCKING, INC., a California)
 Corporation, which will transact business in)
 15 California as L GORDON; STEVE)
 GORDON, an individual; BOB)
 16 GOLDBERG, an individual; and Does 1)
 through 20, inclusive,)
)
 17 Defendants.)
 18 _____)

Case No. 1:10-CV-00324-OWW-SKO

**ORDER TO CONSOLIDATE
 1:10cv00324 OWW SKO (LEAD)with
 RELATED CASE 1:11cv00272 OWW
 SKO (MEMBER) AND SET
 SCHEDULING CONFERENCE**

19 CHRISTOPHER YANEZ and EMMA)
 YANEZ on behalf of themselves, all others)
 20 similarly situated, and the general public,)
)
 21 Plaintiffs,)
)
 22 vs.)
)
 23 GORDON TRUCKING, INC., a)
 Washington corporation, and DOES 1)
 24 through 100, inclusive)
)
 25 Defendants.)
 26 _____)

Complaint Filed: February 23, 2010

1 **I. Date of Hearing.**

2 July 11, 2011.

3 **II. Appearances of Counsel.**

4 Sutton Hatmaker Law Corporation by S. Brett Sutton, Esq. and Jared Hague, Esq.
5 appeared in person on behalf of Plaintiff Simon Garcia (hereinafter “GARCIA”).

6 Harrison Patterson & O’Connor LLP by James R. Patterson, Esq. and Jaczko Goddard
7 LLP by Allison H. Goddard appeared in person on behalf of Plaintiffs Christopher and Emma
8 Yanez (hereinafter collectively “YANEZ”).

9 Scopelitis Garvin Light Hanson & Feary, P.C. by Jim Hanson, Esq. and Andrew Butcher,
10 Esq. appeared telephonically on behalf of Defendants Gordon Trucking, Inc. (hereinafter “GTI”),
11 Steve Gordon, and Bob Goldberg (hereinafter collectively “DEFENDANTS”).

12 **III. Summary of Hearing.**

13 On July 11, 2010 at 10:00 a.m. in Courtroom 3, the Court heard GARCIA’s Motion for
14 45-day Stay of the YANEZ Case, and alternatively, Appointment of S. Brett Sutton, Esq. as
15 Interim Class Counsel (hereinafter “Motion for Stay”), filed in the above-captioned matter. At
16 the same time, the Court heard YANEZ’ Motion for Consolidation of Pending, and Appointment
17 of James R. Patterson, Esq. and Allison H. Goddard as Interim Class Counsel (hereinafter
18 “Motion for Consolidation”), filed in Case No. 1:11-cv-00272-OWW-SMS, which action was
19 previously designated as “related” to the GARCIA action.

20 The Court, having received the moving papers and exhibits of the parties with respect to
21 GARCIA’s Motion for Stay and YANEZ’ Motion for Consolidation, and having received oral
22 argument on said motions by counsel in appearance, and the Court being duly advised in the
23 premises thereof now finds that YANEZ’ Motion for Consolidation should be GRANTED, and
24 GARCIA’s Motion for Stay should be DENIED.

25 ///

26 ///

1 **IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows:**

- 2 1. The GARCIA case 1:10-CV-00324-OWW-SKO to become the LEAD case and
3 the YANEZ case 1:11-cv-00272-OWW-SMS to become the MEMBER case are
4 hereby consolidated for all purposes;
- 5 2. All Parties shall appear at a Scheduling Conference on July 20, 2011 at 8:15 a.m.
6 The Parties shall meet and confer prior to the Scheduling Conference for the
7 purpose of preparing a Joint Scheduling Statement. The Joint Scheduling
8 Statement shall be filed with the Court on or before July 18, 2011;
- 9 3. The Court acknowledges that Counsel for GARCIA and Counsel for YANEZ
10 agreed in open court that Counsel for GARCIA would informally take the lead at
11 the July 22, 2011 mediation with GTI, that Counsel for YANEZ will attend and
12 participate in the July 22, 2011 mediation, and that YANEZ agrees to contribute
13 25% of any and all mediator fees for the July 22, 2011 mediation; and
- 14 4. The deadlines previously set in the GARCIA action, including but not limited to,
15 GARCIA's deadline to file a Motion for Class Certification, and the related
16 deadlines for Opposition and Reply, are hereby off-calendar. The Scheduling
17 Conference in the YANEZ action, previously set for August 16, 2011, is likewise
18 off-calendar. Applicable deadlines shall be addressed by the Court's Order
19 following the July 20, 2011 Scheduling Conference for the consolidated case.

20
21 Dated: July 14, 2011

_____/s/ OLIVER W. WANGER_____
JUDGE OLIVER W. WANGER