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5 Attorneys for Plaintiffs REGINO PRIMITIVO GOMEZ,
. . . and, ANDRES RAMIREZ

6 *Additional Counsel Listed on Signature Page

7
8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**

10 REGINO PRIMITIVO GOMEZ; MARICELA
11 BAUTISTA MARTINEZ; ZEFERINO
FERNANDEZ GONZALEZ; CARLOS CRUZ
12 CORTES; APOLINAR PRIMITIVO GOMEZ;
JACINTA ROJAS; EUGENIA LOPEZ
13 MARTINEZ; NATALIA LOPEZ; MARIANO
PRIMITIVO MARTINEZ; ERIKA PRIMITIVO
14 ROJAS; JULIANA MARTINEZ LOPEZ;
PEDRO MARTINEZ PRIMITIVO; JACINTA
15 MARTINEZ LOPEZ; ZEFERINO PORFIRIO
MARTINEZ; AMELIA RUIZ JIMENEZ;
16 ADELINA BAUTISTA; TERESA BAUTISTA
MERINO; JAVIER CRUZ NICOLAS;
17 HILARIO HERNANDEZ MARTINEZ;
SANTA R. MARTINEZ; IGNACIO
18 HERNANDEZ REGINO; IRENE RODRIGUEZ
MERINO; ROBERTO HERNANDEZ REGINO;
19 REGINA LOPEZ MARTINEZ; MARTHA
MARTINEZ PATRICIO; VALENTIN
20 PATRICIO LOPEZ; MARCELINA PORFIRIO
LOPEZ; ANDRES RAMIREZ; and, MARIO
21 PATRICIO MARTINEZ; Individuals,

22 Plaintiff,

23 vs.

24 H & R GUNLUND RANCHES, INC., a
California Corporation; and DOES 1 through 10,
25 Inclusive,

26 Defendant.

CASE No.: 1:10-cv-01163-LJO-MJS

CLASS ACTION

**STIPULATION AND [PROPOSED] ORDER
STAYING THE ACTION TO ALLOW THE
PARTIES TO EXCHANGE INFORMATION,
SEEK TO AMEND THE PLEADINGS, AND
PARTICIPATE IN MEDIATION**

1 IT IS HEREBY STIPULATED AND AGREED, by and between all PLAINTIFFS (“Plaintiffs”
2 collectively), on the one hand, and Defendant H & R GUNLUND RANCHES, INC. (“Defendant”
3 collectively), on the other hand (Plaintiffs and Defendant collectively referred to herein as the
4 “Parties” or individually as a “Party”), by and through their respective undersigned counsel, as
5 follows:
6

7 WHEREAS, the Parties will participate in a settlement conference with Magistrate Seng on
8 Friday, July 8, 2011, having already discussed, among other things, what information and
9 documents Defendant needs from Plaintiffs in order to engage in meaningful and reasonably
10 informed, arm’s-length settlement negotiations with the plaintiff class;

11 WHEREAS, as is set forth herein, the Parties have agreed upon the nature of the
12 information Plaintiffs will produce to Defendants in order to conduct such negotiations, as well as
13 the process by which such production will occur;
14

15 WHEREAS, the parties have agreed to stay, suspend and/or continue all outstanding
16 discovery and law and motion matters – with the exception of Defendant’s request for Plaintiffs to
17 respond to Special Interrogatories Set One and Two, and Request for Production of Documents
18 Sets One and Two, for the following six named plaintiffs: as described herein; Carlos Cruz Cortez,
19 Apolinar Primitivo Gomez, Jacinta Rojas (if she is not out of the State of California), Natalia
20 Lopez Ordaz, Mariano Primitivo Martinez, and Regino Primitivo Gomez. In order to allow time
21 for Plaintiffs to compile and produce to Defendant’s counsel the responses, the Plaintiffs shall
22 respond to these requests by June 22, 2011;
23

24 WHEREAS, as is set forth herein, the Defendant agrees that in the event the settlement
25 conference proves unsuccessful, the Plaintiffs shall file no later than August 8, 2011 a motion to
26 amend the complaint to raise allegations against potential defendant LP and RG Gunlund (a
27 partnership). The Defendant reserves the right to oppose the motion, including arguments based on
28

1 timeliness, notwithstanding the time the parties have stayed litigation pending settlement
2 negotiations as described herein.

3 THEREFORE, in light of the foregoing, the Parties hereby stipulate as follows:

4 1. Plaintiffs will respond to Special Interrogatories set one and two, and Request for
5 Production of Documents Set One and Two, for the following six named Plaintiffs: Carlos Cruz
6 Cortez, Apolinar Primitivo Gomez, Jacinta Rojas (if she is not out of the State of California),
7 Natalia Lopez Ordaz, Mariano Primitivo Martinez, and Regino Primitivo Gomez.

9 2. Production of the above-described responses will be due by June 22, 2011. All
10 outstanding deadlines for discovery responses, depositions, motions to compel, and other law and
11 motion matters are tolled or continued until 30 days after the Settlement Conference. This
12 provision expressly extends the date by which LP & RG Gunlund must object to, move to quash,
13 and/or respond to the subpoenas presently served in this matter.

15 3. The parties shall meet and confer to determine dates of availability to conduct
16 depositions and re-set discovery production due dates.

17 4. This stipulation may be executed in counterparts and by facsimile.

18 5.

19 **SO STIPULATED AND AGREED.**

22 Dated: June 15, 2011

TALAMANTES/VILLEGAS/CARRERA, LLP

24 By: _____/s/_____
25 Mark Talamantes
26 Attorneys for Plaintiffs REGINO PRIMITIVO GOMEZ,
27 MARICELA BAUTISTA MARTINEZ, APOLINAR
28 PRIMITIVO GOMEZ, JACINTA ROJAS, NATALIA
LOPEZ, MARIANO PRIMITIVO MARTINEZ, ERIKA
PRIMITIVO ROJAS, and MARIO PATRICIO MARTINEZ

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Dated: June 15, 2011

CALIFORNIA RURAL LEGAL ASSISTANCE, INC.

By: _____/s/_____
Felicia Espinosa
Attorneys for Plaintiffs REGINO PRIMITIVO GOMEZ,
MARICELA BAUTISTA MARTINEZ, ZEFERINO
FERNANDEZ GONZALEZ, CARLOS CRUZ CORTES,
APOLINAR PRIMITIVO GOMEZ, JACINTA ROJAS,
EUGENIA LOPEZ MARTINEZ, NATALIA LOPEZ,
MARIANO PRIMITIVO MARTINEZ, ERIKA PRIMITIVO
ROJAS, JULIANA MARTINEZ LOPEZ, PEDRO
MARTINEZ PRIMITIVO, JACINTA MARTINEZ LOPEZ,
ZEFERINO PORFIRIO MARTINEZ, AMELIA RUIZ
JIMENEZ, ADELINA BAUTISTA, TERESA BAUTISTA
MERINO, JAVIER CRUZ NICOLAS, HILARIO
HERNANDEZ MARTINEZ, SANTA R. MARTINEZ,
IGNACIO HERNANDEZ REGINO, IRENE RODRIGUEZ
MERINO, ROBERTO HERNANDEZ REGINO, REGINA
LOPEZ MARTINEZ, MARTHA MARTINEZ PATRICIO,
VALENTIN PATRICIO LOPEZ, MARCELINA PORFIRIO
LOPEZ and ANDRES RAMIREZ

Dated: June 15, 2011

LITTLER MENDELSON

By: _____/s/_____
Daniel J. Cravens
Attorneys for Defendants, H & R GUNLUND RANCHES,
INC.

ORDER

For good cause shown, the Stipulation is approved. However, no action or time extension provided for in this Stipulation or Order shall constitute grounds for, nor be argued as justification for, change to any other pre-trial or trial date.

IT IS SO ORDERED.

Dated: June 24, 2011

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE