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UNITED STATES DISTRICT COURT

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EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION

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CARLOS SILVEIRA, GEORGETTE
13 PICKETT, and CHARLES HUGHES, as
individuals, and on behalf of all other similarly
14 situated,

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Plaintiff,

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vs.

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JEFFREY A. BEARD, in his capacity as the
Secretary of the California Department of
18 Corrections and Rehabilitation; and DOES 2
through 10, inclusive,

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Defendant.

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Whereas, in a Stipulation and Joint Request to Continue Scheduling Conference filed on
22 December 2, 2013, the parties jointly requested continuance of the Mandatory Scheduling
23 Conference in light of the parties' informal meet and confer discussions regarding potentially
24 resolving the instant action;

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Whereas, on December 4, 2013, the Court granted the parties' Joint Request, and
26 continued the Mandatory Scheduling Conference to February 10, 2014;

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Whereas, since the Court's Order continuing the Mandatory Scheduling Conference, the
28 parties have discussed and engaged in informal discovery, with the hope that informal discovery



1 might facilitate prompt resolution of the action prior to the commencement of formal discovery.

2 Whereas, since the Court’s Order continuing the Mandatory Scheduling Conference,
3 Defendant has produced in informal discovery documents and supporting information related to
4 the administration of Plaintiffs’ wages, including payroll, contract and policy documents;

5 Whereas, Defendant and Plaintiffs have conferred on multiple occasions regarding the
6 merits of Plaintiffs’ allegations that Defendant’s policies violate the Fair Labor Standards Act;

7 Whereas, Plaintiffs are currently reviewing the information and documents produced in
8 informal discovery; however, based on the documents and other information provided, Plaintiffs
9 and Defendant have begun discussing potential resolution of the action, including but not limited
10 to, dismissal of the case.

11 Whereas, while the parties continue to examine the merits and procedure of potentially
12 resolving the action, both Plaintiffs and Defendant agree that additional time is needed to consider
13 their options and confer with necessary individuals;

14 Whereas, given Plaintiffs’ action seeks only prospective declaratory relief, the parties
15 agree Plaintiffs and putative collective action members will not be prejudiced by a continuance of
16 the mandatory scheduling conference date and related deadlines;

17 Whereas, Rule 26 of the Federal Rules of Civil Procedure requires the parties to confer
18 over a proposed discovery plan by January 20, 2014, or, at least 21 days before the Mandatory
19 Scheduling Conference, and submit a discovery plan and make initial disclosures by January 27,
20 2014, or, 14 days after the discovery conference;

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1 Whereas, this Court’s Order Setting Mandatory Scheduling Conference requires parties to
2 confer over the Joint Scheduling Report by January 21, 2014, or, at least 20 days before the
3 Mandatory Scheduling Conference, and requires parties to submit a Joint Scheduling Report to the
4 Court by February 3, 2014, or, one (1) full week prior to the Mandatory Scheduling Conference
5 date;

6 Whereas, the parties agree that continuing the Mandatory Scheduling Conference and
7 related deadlines will facilitate a potential resolution of this action and conserve the resources of
8 the Court.

9 Accordingly, the parties to this action, through their respective attorneys of record, hereby
10 STIPULATE and JOINTLY REQUEST this Court continue the Mandatory Scheduling
11 Conference until March 3, 2014, or to a date and time thereafter that is convenient for the Court.
12 The parties further STIPULATE and JOINTLY REQUEST this Court continue related deadlines
13 to meet and confer and submit a Joint Scheduling Report and discovery plan, and deadline to
14 provide initial disclosures, as set by the Federal Rules of Civil Procedure and this Court’s Order
15 Setting Mandatory Scheduling Conference.

16 Dated: January 24, 2014

Respectfully submitted,

17 JOAN A. MARKOFF
18 Chief Counsel

19 DAVID J. NEILL
20 Deputy Chief Counsel

21 By: /s/ David D. King
22 DAVID D. KING
23 Labor Relations Counsel
24 Attorney for Defendant

25 Dated: January 24, 2014

Respectfully submitted,

26 BLECHER COLLINS PEPPERMAN & JOYE, P.C.

27 By: /s/ Majed Dakak
28 Majed Dakak
 Attorneys for Plaintiffs

ORDER

In consideration of the Parties' Stipulation and Joint Request to Continue the Mandatory Scheduling Conference, and related deadlines, and good cause having been shown, it is ORDERED that the Mandatory Scheduling Conference, currently set for February 10, 2014, shall be continued to 8:15 a.m. on March 6, 2014. Related deadlines to meet and confer and submit a Joint Scheduling Report, to provide initial disclosures, and to meet and confer and provide a written discovery plan under Rule 26 of the Federal Rules of Civil Procedure, are similarly continued.

Related deadlines to meet and confer and submit a Joint Scheduling Report, to provide initial disclosures, and to meet and confer and provide a written discovery plan under Rule 26 of the Federal Rules of Civil Procedure, are similarly continued.

IT IS SO ORDERED.

Dated: January 24, 2014

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE