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10 **UNITED STATES DISTRICT COURT**
EASTERN DISTRICT OF CALIFORNIA

11 LUIS NOVOA, individually, and on
 12 behalf of other members of the general
 13 public similarly situated,

14 Plaintiff,

15 vs.

16 CHARTER COMMUNICATIONS, LLC,
 17 a Delaware limited liability company; and
 18 DOES 1 through 100, inclusive,

19 Defendant.

) CASE NO. 1:13-cv-01302-AWI-BAM
) CLASS ACTION

) Hon. Anthony W. Ishii
) Hon. Barbara A. McAuliffe

) **STIPULATION AND ORDER FOR**
) **PLAINTIFF TO FILE SECOND**
) **AMENDED COMPLAINT BY JULY**
) **6, 2015**

) Action Filed: 07/05/2013
) Action Removed: 08/16/2013
) Trial Date: None Set

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27 Attorney for Defendant

1 **STIPULATION**

2 **WHEREAS**, on June 2, 2013, counsel for Plaintiff Luis Novoa (“Plaintiff”)
3 filed a Stipulation between Plaintiff and Defendant Charter Communications, LLC
4 (“Defendant”) in which the parties agreed for Plaintiff to file his Second Amended
5 Complaint, which was attached to the Stipulation as Exhibit A. Dkt. No. 39; and

6 **WHEREAS**, on June 3, 2015, the Court granted the parties’ Stipulation and
7 ordered Plaintiff to file his Second Amended Complaint by June 8, 2015. Dkt. No.
8 40; and

9 **WHEREAS**, Plaintiff’s proposed Second Amended Complaint contains a
10 cause of action under Private Attorney General Act of 2004, (“PAGA”), codified in
11 California Labor Code, section 2698, *et seq.*, which is not ripe until 33 days after
12 Plaintiff gives notice to the Labor and Workforce Development Agency (“LWDA”).
13 Lab. Code, §2699.3(a); and

14 **WHEREAS**, Plaintiff mailed notice to the LWDA on June 2, 2015.
15 Therefore, under Labor Code section 2699.3(a), Plaintiff may file his Second
16 Amended Complaint containing a cause of action under PAGA no sooner than July
17 6, 2015.

18 **NOW THEREFORE IT IS HEREBY STIPULATED**, by and between
19 Plaintiff and Defendant, by and through their respective counsel of record, that:

- 20 1. Plaintiff may file his Second Amended Complaint with the PAGA cause of
21 action by July 6, 2015.
22 2. Defendant’s response to Plaintiff’s Second Amended Complaint shall be
23 filed within thirty (30) days after the Second Amended Complaint is filed.

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IT IS SO STIPULATED.

Dated: June 3, 2015

Respectfully submitted:

THE MARKHAM LAW FIRM

/s/ David R. Markham
Attorney for Plaintiff
E-mail: dmarkham@markham-law.com

Dated: June 3, 2015

Respectfully submitted:

SHEPPARD MULLIN RICHTER &
HAMPTON, LLP

/s/ Thomas R. Kaufman
Attorney for Defendant
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I, David R. Markham, attest that I have obtained concurrence from defense counsel regarding the filing of this Stipulation.

THE MARKHAM LAW FIRM

/s/ David R. Markham
Attorney for Plaintiff
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ORDER

Good cause having been shown, based upon the parties' signed Stipulation filed on June 3, 2015, and based on the records in the above-captioned action, the Court hereby orders as follows:

1. Plaintiff may file his Second Amended Complaint by July 6, 2015;
2. Defendant's response to Second Amended Complaint shall be due thirty (30) days after the Second Amended Complaint is filed.

IT IS SO ORDERED.

Dated: June 8, 2015

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE