

1 Shaun Setareh (SBN 204514)  
2 shaun@setarehlaw.com  
3 SETAREH LAW GROUP  
4 9454 Wilshire Blvd., Suite 711  
5 Beverly Hills, California 90212  
6 Tel: 310.888.7771  
7 Fax: 310.888.7771

8 Attorneys for Plaintiff,  
9 Bernardina Rodriguez

10 **UNITED STATES DISTRICT COURT**  
11 **EASTERN DISTRICT OF CALIFORNIA – FRESNO**

12 BERNARDINA RODRIGUEZ, on  
13 behalf of herself, all others similarly  
14 situated,

15 *Plaintiff,*

16 vs.

17 TACO BELL CORP, a California  
18 corporation; and DOES 1-50, inclusive,

19 *Defendants.*

Case No: 1:13-CV-01498-SAB

**JOINT STIPULATION TO AMEND  
SCHEDULING ORDER**

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1 **JOINT STIPULATION**

2 **TO THE HONORABLE COURT, ALL PARTIES AND THEIR ATTORNEYS OF**  
3 **RECORD:**

4 Pursuant to Eastern District of California Local Rule 143, Plaintiff Bernardina Rodriguez  
5 ("Rodriguez") and Defendant Taco Bell Corp. ("Taco Bell") (collectively, the "Parties"), by and  
6 through their respective counsel, stipulate and agree to amend the discovery briefing schedule  
7 with limited exceptions, in recognition of the following:

8 WHEREAS ON June 25, 2013, Rodriguez filed her First Amended Complaint ("FAC")  
9 in which she alleges the following claims for relief for herself and on behalf of seven subclasses  
10 of current and former hourly employees who worked at Taco Bell corporately-owned restaurants  
11 in California:

- 12 (a) Penalties for failure to provide meal periods to hourly restaurant workers from  
13 May 15, 2009, until the resolution of the lawsuit;
- 14 (b) Penalties for failure to provide rest periods to hourly restaurant workers from  
15 May 15, 2009, until the resolution of the lawsuit;
- 16 (c) Violation of Labor Code §§510, 1194 and 1198 (unpaid minimum and  
17 overtime wages) from May 15, 2009 until the resolution of the lawsuit;
- 18 (d) Failure to provide accurate wage statements pursuant to Labor Code § 226(a);
- 19 (e) Violation of California Labor Code §§ 201 and 202 (non-payment of wages  
20 upon termination) from May 15, 2009, until the resolution of the lawsuit;
- 21 (f) Violation of California Business and Professions Code §§ 17200, *et seq.*  
22 seeking "restitution" during a period that commences on May 15, 2009, and  
23 which extends until the resolution of the lawsuit;
- 24 (g) Penalties under PAGA, Labor Code §§ 2698, *et seq.* on behalf of all aggrieved  
25 employees from June 25, 2012 to the resolution of the lawsuit (Rodriguez seeks  
26 penalties for violations of Labor Code Sections 201, 202, 203, 204, 223,  
27 226(a), 226.7, 256, 510, 512, 1194, 1197, and 1198); and
- 28 (h) Failure to include employee meal discounts in California non-exempt  
employees' regular rate for the purposes of calculating overtime wage

1                    payments.

2                    WHEREAS ON July 9, 2013, Taco Bell filed a motion to dismiss, challenging the FAC  
3 in its entirety;

4                    WHEREAS ON October 30, 2013, the Court denied Taco Bell's motion to dismiss;

5                    WHEREAS the Parties have extensively met and conferred by telephone and have agreed  
6 to engage in limited formal and informal discovery and to prepare dispositive pre-trial motions  
7 regarding whether Taco Bell's voluntary discounted meal program violates California law or  
8 impacts Taco Bell's California employees' overtime pay;

9                    WHEREAS the Parties have propounded written discovery, but have subsequently agreed  
10 to stay all discovery, with the following limited exceptions related to Taco Bell's discounted  
11 meal policy and all related and/or derivative claims:

- 12                    a. Rodriguez will depose Taco Bell pursuant to Fed. R. Civ. P. 30(b)(6);
- 13                    b. Taco Bell will depose Rodriguez; and Taco Bell will produce its employee meal  
14                    discount policy and make available for inspection records of California  
15                    employees' discounted meals.
- 16                    c. The Parties will provide verified responses to all relevant written discovery  
17                    relating to the claims that will be adjudicated on cross motions for summary  
18                    judgment/adjudication.

19                    WHEREAS the Parties agreed to stipulate to a protective order governing the production  
20 and use of confidential and private documents prior to the exchange of discovery;

21                    WHEREAS, the Parties agreed to vacate current class certification deadlines and  
22 continue to meet and confer regarding the dispositive pre-trial motions;

23                    WHEREAS, on April 23, 2014 the Parties agreed and the Court has ordered the parties to  
24 file dispositive pre-trial motions regarding Taco Bell's voluntary discounted meal program and  
25 related claims pursuant to the following briefing schedule:

- 26                    a. Cross Motions for Summary Judgment will be filed June 18, 2014.
- 27                    b. The Parties' Oppositions will be filed on July 25, 2014.
- 28                    c. The Parties' Reply Briefs will be filed on August 8, 2014.
- d. The requested hearing date is September 10, 2014 at 10:00 a.m. before

                    Magistrate Judge Stanley A. Boone.

1 THE PARTIES NOW agree and request to amend the briefing schedule as follows:

2 a. Cross Motions for Summary Judgment will be filed July 23, 2014.

3 b. The Parties' Oppositions will be filed on August 13, 2014.

4 c. The Parties' Reply Briefs will be filed on August 20, 2014.

5 d. The requested hearing date to remain on September 10, 2014 at 10:00 a.m.  
6 before Magistrate Judge Stanley A. Boone.

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8 **THE PARTIES SO STIPULATE.**

9 Dated: May 8, 2014

SETAREH LAW GROUP

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11 By: /s/ Shaun Setareh  
Shaun Setareh  
12 Attorneys for Plaintiff,  
13 Bernardina Rodriguez

14  
15 Dated: May 8, 2014

SHEPPARD MULLIN

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17 By: /s/ Nora K. Stiles  
18 Nora K. Stiles  
19 Attorneys for Defendant,  
20 Taco Bell Corp.

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**UNITED STATES DISTRICT COURT**  
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BERNARDINA RODRIGUEZ, on  
behalf of herself, all others similarly  
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*Plaintiff,*

vs.

TACO BELL CORP, a California  
corporation; and DOES 1-50, inclusive,

*Defendants.*

Case No: 1:13-CV-01498-SAB

**ORDER RE JOINT STIPULATION TO  
AMEND SCHEDULING ORDER**

1 **ORDER**

2 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

3 Having considered the Joint Stipulation between counsel for Plaintiff Bernardina  
4 Rodriguez and Defendant Taco Bell Corp. to Amend the Scheduling Order, and good  
5 cause appearing therefore, this Court hereby ORDERS that the that the briefing schedule  
6 regarding discovery, as follows:

- 7 a. Cross Motions for Summary Judgment will be filed July 23, 2014.  
8 b. The Parties' Oppositions will be filed on August 13, 2014.  
9 c. The Parties' Reply Briefs will be filed on August 20, 2014.  
10 d. The requested hearing date to remain on September 10, 2014 at 10:00 a.m.  
11 before Magistrate Judge Stanley A. Boone.

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13 IT IS SO ORDERED.

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15 IT IS SO ORDERED.

16 Dated: May 8, 2014

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UNITED STATES MAGISTRATE JUDGE