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

10  
11 JAMES RICHARDSON, as an  
individual and on behalf of all others  
12 similarly situated,

13 Plaintiff,

14 v.

15 THD AT-HOME SERVICES, INC., a  
Delaware corporation; HOME DEPOT  
U.S.A., INC., a Delaware corporation;  
16 MEASURECOMP, LLC, a Michigan  
limited liability company, and DOES 1  
17 through 50, inclusive,

18 Defendants.  
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Case No.: 1:14-CV-00273-LJO-BAM

[Assigned to Hon. Barbara A.  
McAuliffe, Courtroom 8]

**STIPULATION AND ORDER TO  
AMEND PRELIMINARY  
SCHEDULING ORDER**

1 **TO THE HONORABLE COURT:**

2 Plaintiff James Richardson (“Plaintiff”) and Defendant THD At-  
3 Home Services, Inc., (“Defendant”) (collectively, the “Parties”), by and through  
4 their counsel of record, hereby stipulate and agree as follows:

5 WHEREAS, Plaintiff has filed a motion for leave to amend that is set  
6 for hearing on January 30, 2015; if the motion is granted, the amended complaint  
7 would add one (and perhaps two) additional defendants and an additional class  
8 claim for waiting time penalties under California Labor Code section 203;

9 WHEREAS, Plaintiff has filed a motion to amend the preliminary  
10 scheduling order which is set for hearing on January 30, 2015;

11 WHEREAS, Plaintiff and Defendant have discussed the time  
12 necessary to serve new parties, conduct mediation, and complete discovery in  
13 advance of a motion for class certification, as well as how the addition of new  
14 named defendant(s) might affect the present schedule;

15 WHEREAS, Plaintiff and Defendant have scheduled a mediation  
16 session with Mr. David Rotman, which is set for March 10, 2015. This was the  
17 first available date on Mr. Rudy and the Parties’ schedules;

18 WHEREAS, Plaintiff and Defendant would like to extend the  
19 preliminary scheduling order to accommodate the time necessary to complete  
20 discovery for certification and attend mediation in advance of Plaintiff’s filing for  
21 certification;

22 WHEREAS, Plaintiff is unsure of the time he will need, if leave to  
23 amend is granted, to serve Measurecomp, LLC with a summons and complaint,  
24 and conduct necessary discovery as to Measurecomp;

25 WHEREAS, Plaintiff and Defendant believe the present schedule  
26 does not provide sufficient time to serve Measurecomp, LLC, conduct discovery  
27 as to Measurecomp, and attend mediation prior to class certification briefing, and  
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1 therefore request that the Court's preliminary scheduling order be amended to  
2 accommodate these activities.

3 IT IS HEREBY STIPULATED by the Parties herein, through their  
4 counsel of record, that the dates set forth in the Court's June 6, 2015 order be  
5 continued as follows:

6 Deadline	Prior Deadline	Req. Deadline
7 Discovery cutoff for class certification 8 issues (non-expert)	1/30/2015	7/31/2015
9 Expert Disclosure	2/13/2015	8/14/2015
10 Expert Discovery Cut-off	4/25/2015	11/6/2015
11 Class Certification Filing	3/13/15	9/11/2015

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14 **IT IS SO STIPULATED.**

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17 DATED: January 20, 2015 LAW OFFICES OF KENNETH H. YOON

18  
19 By: /s/ Kenneth H. Yoon  
20 Kenneth H. Yoon  
21 Stephanie E. Yasuda  
22 Attorneys for Plaintiff James Richardson

23  
24 DATED: January 20, 2015 AKIN GUMP STRAUSS HAUER & FELD LLP

25 By: /s/ Donna Mezas (authorized 01/16/15)  
26 Donna M. Mezas  
27 Liz K. Bertko  
28 Attorneys for Defendants THD At-Home  
Services, Inc.

1 **ORDER**

2 The Court, having read and considered the Stipulation to Amend  
3 Preliminary Scheduling Order and having reviewed the Court’s calendar and due  
4 to the press of business, finds good cause to continue dates as follows:

5 **IT IS HEREBY ORDERED** that the dates set forth in the Preliminary  
6 Scheduling Order shall be continued as follows:

- 7 1) Discovery Cutoff for Class Certification issues (non-expert):  
8 September 30, 2015;  
9 2) Expert Disclosure: October 16, 2015;  
10 3) Expert Discovery Cutoff : January 15, 2016;  
11 4) Class Certification Filing Deadline: January 22, 2016;  
12 5) Class certification opposition: Six (6) weeks after opening brief;  
13 6) Class Certification Reply: Three (3) weeks after opposition brief.  
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16 IT IS SO ORDERED.

17 Dated: January 20, 2015

18 /s/ Barbara A. McAuliffe  
19 UNITED STATES MAGISTRATE JUDGE  
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