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Attorneys for Defendant Winn Management Group LLC

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ADAM GOODWIN, on behalf of
himself and all others similarly situated,

Plaintiff,

vs.

WINN MANAGEMENT GROUP
LLC, a Massachusetts Limited Liability
Company, and Does 1 through 100,
inclusive,

Defendants.

Case No. 1:15-CV-00606-DAD-EPG

*[This case has been assigned to Judge
Dale A. Drozd]*

**JOINT STIPULATION AND
ORDER TO STAY DISCOVERY
DEADLINES PENDING
MEDIATION**

Plaintiff Adam Goodwin ("Plaintiff") and Defendant Winn Management Group LLC., by and through their respective counsel of record, hereby stipulate and agree as follows:

WHEREAS, Judge Shubb was initially assigned to this case on July 8, 2015, and he issued a Scheduling Order on November 5, 2015 with the following deadlines:

- a) Parties shall disclose experts and produce reports in accordance with Federal Rule of Civil Procedure 26(a)(2) by no later than June 10, 2016;
- b) Experts and reports for the purposes of rebuttal shall be disclosed by July 8, 2016;
- c) All discovery including deposition shall be conducted and completed by August 5, 2016;
- d) All motions to compel discovery must be noticed by August 5, 2016; and
- e) All motions shall be file on or before October 7, 2016.

WHEREAS, the parties have agreed to stay formal discovery, and have been actively involved in an informal exchange of information;

WHEREAS, the parties are attending a mediation in this matter with mediator Robert J. Kaplan on August 16, 2016, which is days after the discovery and the motion deadlines are required to be completed;

WHEREAS, in the event that the parties do not settle the case at the August 16, 2016 mediation, Plaintiff will require time to conduct formal discovery, obtain the class list through a *Belaire-West* opt-out notice, take depositions, and draft his Motion for Class Certification.

It is therefore stipulated and agreed by and between the parties through their undersigned counsel, subject to the approval of the Court, that

discovery and motion deadlines, shall be continue by at least one hundred eighty days past the August 16, 2016 mediation. The parties are working together cooperatively, and anticipate agreeing to a reasonable briefing schedule for the Motion for Class Certification at a later date.

IT IS SO STIPULATED:

DATED: May 2, 2016

MICHAEL MALK, ESQ., APC

By /s/ Michael Malk

MICHAEL MALK.
Attorneys for Plaintiff ADAM
GOODWIN

DATED: May 2, 2016

FISHER & PHILLIPS LLP

By: /s/ Shaun J. Voigt

SHAUN J. VOIGHT, ESQ.
MARK J. JACOBS, ESQ.
LAURIE A. KOSCIELAK
Attorneys for Defendant WINN
MANAGEMENT GROUP LLC

ORDER

The Court has reviewed the parties' joint stipulation (Doc. 22), and adopts it in part. The Court grants the parties' request to stay the discovery deadlines until mediation is completed. However, the Court will not set further deadlines at this time. Instead, a telephonic status conference will be held before the undersigned on **September 7, 2016 at 10:30 a.m.**, to discuss the progress of the settlement negotiations. **No later than September 1, 2016**, the parties shall file a joint status report advising the Court whether the case settled. If the case has settled, the parties shall provide a schedule for the filing of a motion for preliminary approval of the class settlement. If the case does not settle, the joint status report shall include deadlines to complete class certification discovery, as well as a schedule for the filing of a class certification motion. The Court will address scheduling issues at the status conference, however, the parties are advised that if the case does not settle, a request for a six month continuance to conduct discovery will be looked upon with disfavor since this case was filed on April 16, 2015. (Doc. 1). As such, the parties shall plan accordingly.

IT IS SO ORDERED.

Dated: May 5, 2016

/s/ Eric P. Grosz
UNITED STATES MAGISTRATE JUDGE
