

1 ERIC A. GROVER (SBN 136080)
2 eagrover@kellergrover.com
3 ELLYN MOSCOWITZ (SBN 129287)
4 emoscowitz@moscowitzlaw.com
5 ROBERT W. SPENCER (SBN 238491)
6 rspencer@kellergrover.com
7 **KELLER GROVER LLP**
8 1965 Market Street
9 San Francisco, California 94103
10 Telephone: (415) 543-1305
11 Facsimile: (415) 543-7861

8 SCOT BERNSTEIN (SBN 94915)
9 swampadero@sbernsteinlaw.com
10 **LAW OFFICES OF SCOT D. BERNSTEIN,**
11 **A PROFESSIONAL CORPORATION**
12 101 Parkshore Drive, Suite 100
13 Folsom, California 95630
14 Telephone: (916) 447-0100
15 Facsimile: (916) 933-5533

MATTHEW MELLEN (SBN 233350)
email@mellenlawfirm.com
MELLEN LAW FIRM
One Embarcadero Center, Fifth Floor
San Francisco, California 94111
Telephone: (415) 315-1653
Facsimile: (415) 276-1902

13 *Attorneys for Plaintiffs*

14
15 **UNITED STATES DISTRICT COURT**
16 **EASTERN DISTRICT OF CALIFORNIA**

17 ANTHONY PORRECA, et al.,
18 Plaintiffs,
19 v.
20 FLOWERS BAKING CO. OF
21 CALIFORNIA, LLC, a limited liability
22 company; and DOES 1 through 100,
23 inclusive,
24 Defendants.

CASE NO. 1:15-cv-00732-DAD-MJS

**STIPULATION AND ORDER RE
FILING OF SECOND AMENDED
COMPLAINT**

1 Plaintiffs ANTHONY PORRECA, an individual; BREAD RAXX, INC., a business entity;
2 DAVID AGUERO, an individual; AGUERO, INC., a business entity; CHRISTIAN ANGULO, an
3 individual; CHRIS ANGULO INC., a business entity; GEREME BARRETT, an individual;
4 DONALD BODAN JR, an individual; POMPEII DISTRIBUTION INC., a business entity;
5 CHRISTIAN CABICO, an individual; C.I. CABICO, INC., a business entity; DENNIS F.
6 CEKLOVSKY, II, an individual; DFC DISTRIBUTING COMPANY, INC., a business entity;
7 ARTURO GONZALEZ, an individual; GONZALEZ AND SON INC., a business entity; CARLOS
8 GONZALEZ, an individual; CCGE, INC., a business entity; ERIC GUYTON, an individual; TIM
9 JACOBUS, an individual; SCOTT MEDEIROS, an individual; SM DISTRIBUTING, INC., a
10 business entity; KHANG NGUYEN, an individual; DAVID PADIA, an individual; THEE BAKERY
11 CORP., a business entity; NAZAL PARVIN, an individual; PARVIN, INC., a business entity;
12 NICHOLAS SANCHEZ, an individual; SANCHEZ DISTRIBUTING, INC., a business entity;
13 KEVIN SENA, an individual; K. SENA DISTRIBUTION, INC., a business entity; WOON TAM, an
14 individual; and T&J DISTRIBUTION, INC., a business entity (collectively, the “Represented
15 Plaintiffs”) and Defendant Flowers Baking Co. of California, LLC (“Defendant”), by and through
16 their undersigned counsel, hereby respectfully submit the following Stipulation and [Proposed]
17 Order to allow for the filing of a Second Amended Complaint.

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20 **STIPULATION**

21 WHEREAS, the Represented Plaintiffs desire to clarify certain allegations contained in
22 the First Amended Complaint.

23 NOW THEREFORE, the parties stipulate and agree that:

- 24 1. The Represented Plaintiffs shall file the Second Amended Complaint attached
25 hereto as **Exhibit A** within five days of the Court’s approval of this Stipulation.
- 26 2. Defendant will file an answer within 30 days from the filing of the Second
27 Amended Complaint. Defendant’s answer may include new affirmative defenses.
- 28 3. Defendant shall retain the right to seek the deposition of a Represented Plaintiff in

1 connection with any new claims or causes of action contained in the Second Amended Complaint
2 that were not covered in a Representative Plaintiff's original deposition.

3 **IT IS SO STIPULATED.**

4 Dated: September 13, 2017

KELLER GROVER LLP

6
7 By /s/ Eric A. Grover
ERIC A. GROVER
ROBERT SPENCER

8
9 Attorneys for Plaintiffs

10 Dated: September 13, 2017

**OGLETREE, DEAKINS, NASH, SMOAK &
STEWART, P.C.**

12
13 By /s/ Brian D. Berry
BRIAN D. BERRY
JARED L. PALMER

14
15 Attorneys for Defendant
FLOWERS BAKING CO. OF CALIFORNIA,
16 LLC

17
18 **SIGNATURE ATTESTATION**

19 I attest that I have obtained concurrence in the filing of this document from the other signatories.

20 Dated: September 13, 2017

KELLER GROVER LLP

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22 By /s/ Eric A. Grover
ERIC A. GROVER
ROBERT SPENCER

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24 Attorneys for Plaintiffs

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ORDER

Good cause appearing, the above Stipulation is accepted and its terms made the Order of the Court.

IT IS SO ORDERED.

Dated: September 13, 2017

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE