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13 *Attorneys for Plaintiffs*

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

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

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

**STIPULATION AND ORDER TO
 CONTINUE TRIAL AND MODIFY
 SCHEDULING ORDER**

Complaint Filed: May 12, 2015
 Trial Date: June 19, 2018
 Judge: Hon. Dale A. Drozd

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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 Continue Trial and Modify Scheduling Order. As outlined below, the Parties request
18 that the trial be continued from June 19, 2018 to a date in December 2018, to permit the Parties to
19 complete the remaining discovery and allow for time to parties in this case and *Brownfield, et al.*
20 *v. Flowers Baking Co. of California, LLC*, USDC ED CA Case No. 2:15-cv-02034-JAM-AC
21 (“*Brownfield*”) to engage in a global mediation before the deadline to complete costly expert
22 reports and the last day to file dispositive motions.¹

23 By Order dated December 8, 2016, the Court set the trial date for June 19, 2018. Since
24 that time, the Parties in this case and *Brownfield* have engaged in extensive discovery, including
25 the taking of 27 depositions. The Parties expect to have all non-expert discovery completed by
26 December 31, 2017. With discovery winding down, the parties have met and conferred and

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28 ¹ The *Brownfield* case involves seven individual plaintiffs and several related entities. Counsel for the parties herein represent the parties in *Brownfield*.

1 agreed to attempt a global mediation of all claims and causes of action in both this case and
2 *Brownfield*. The Parties are currently working on getting a mediation set over two or three days
3 in the first quarter of 2018.²

4 In the meantime, the Parties would like to avoid what collectively would be a six-figure
5 expense to engage experts to prepare disclosures and reports by the current October 2, 2017
6 deadline. The Parties would rather focus on possible settlement and only turn to the expert
7 disclosures in the event not all of the individual Plaintiffs resolve their actions through mediation.
8 Similarly, the Parties would like to save the time and expense of preparing and filing dispositive
9 motions by the current December 22, 2017 deadline, as their respective resources would be better
10 spent attempting to resolve all or least some of the plaintiffs' claims in the two cases.

11 **STIPULATION**

12 WHEREAS, the Parties have been actively and diligently engaged in discovery,
13 cooperatively conducting extensive discovery without the need of court intervention;

14 WHEREAS, the Parties have conducted extensive written discovery, including
15 propounding and responding to interrogatories, requests for admission and requests for
16 production of documents;

17 WHEREAS, the Parties have produced nearly 500,000 pages of documents;

18 WHEREAS, 27 depositions have been conducted, some of which may require additional
19 time to complete and at least another eleven individual depositions and 30(b)(6) depositions are
20 being scheduled for the coming months;

21 WHEREAS, with discovery winding down, the Parties seek to engage in a productive
22 mediation in the first quarter of 2018;

23 WHEREAS, the Court in *Brownfield* has approved a request to continue the trial date and
24 other deadlines in that case, with a new trial date of October 29, 2018 (*Brownfield* Dkt. 49);

25 WHEREAS, for the reasons outlined above, the Parties request that that the deadlines for
26 disclosing experts, disclosing rebuttal experts, the discovery and expert discovery cutoff dates,
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28 ² The mediators the parties are considering have availability in the first quarter of 2018.

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and the dispositive motion filing and hearing deadlines all be continued, as set forth below;

WHEREAS, for the reasons outlined above, the Parties request that the June 19, 2018 trial date be continued to a date on or after December 3, 2018; and

NOW THEREFORE, the Parties agree and stipulate to the new deadlines below:

	Current Deadline:	New Deadline:
Expert Disclosures:	October 2, 2017	June 1, 2018
Supplemental/Rebuttal Discl:	October 16, 2017	June 15, 2018
Expert Discovery Cutoff:	November 22, 2017	July 13, 2018
Discovery Cutoff:	November 22, 2017	December 31, 2017
Last Day to File Dispositive Motions:	December 22, 2017	July 27, 2018
Hearing Date for Dispositive Motions	February 16, 2018 at 9:30 a.m.	TBD by the Court
Mediation Completion Date:	February 23, 2018	March 31, 2018
Final Pretrial Conference:	April 23, 2018 at 3:30 p.m.	TBD by the Court
Trial:	June 19, 2018 at 1:00 p.m.	TBD by the Court

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Dated: September 25, 2017

KELLER GROVER LLP

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

Attorneys for Plaintiffs

Dated: September 25, 2017

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

By /s/ Brian D. Berry
BRIAN D. BERRY
JARTED L. PALMER

Attorneys for Defendant
FLOWERS BAKING CO. OF CALIFORNIA,
LLC

SIGNATURE ATTESTATION

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

Dated: September 25, 2017

KELLER GROVER LLP

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

Attorneys for Plaintiffs

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ORDER

Pursuant to the foregoing Stipulation and good cause having been shown, the Scheduling Order in this case is modified to establish the following new dates and deadlines, but in no other respect:

Event:	New Deadline:
Expert Disclosures:	June 1, 2018
Supplemental/Rebuttal Discl:	June 15, 2018
Expert Discovery Cutoff:	July 13, 2018
Discovery Cutoff:	December 31, 2017
Last Day to File Dispositive Motions:	July 27, 2018
Hearing Date for Dispositive Motions	September 4, 2018, at 9:30 a.m.
Mediation Completion Date:	November 12, 2018³
Final Pretrial Conference:	November 13, 2018, at 1:30 p.m.
Trial:	January 8, 2019, at 8:30 p.m.

³ Good faith mediation must be held before the pretrial conference, but mediation efforts otherwise should not end prematurely.

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IT IS SO ORDERED.

Dated: October 10, 2017

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE