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18 **UNITED STATES DISTRICT COURT**

19 **EASTERN DISTRICT OF CALIFORNIA**

20 BECKY GREER; TIMOTHY C. BUDNIK;  
21 ROSARIO SAENZ; and IAN CARTY,  
22 Individually and as "Class Representatives,"

23 Plaintiffs,

24 v.

25 PACIFIC GAS AND ELECTRIC  
26 COMPANY, and DOES 1 through 10,  
inclusive,

27 Defendants.  
28

Case No. 1:15-CV-01066-EPG

**STIPULATION AND ORDER  
GRANTING PLAINTIFFS LEAVE TO  
FILE THIRD AMENDED  
COMPLAINT FOR DAMAGES  
[FRCP 15(a)(2)]**

Complaint Filed: August 28, 2015  
Trial Date: None Set

Judge: Honorable Erica P. Grosjean

1                   **WHEREAS** on July 10, 2015, Plaintiffs’ BECKY GREER, TIMOTHY C.  
2 BUDNIK, ROSARIO SAENZ, HALEY MARKWITH, and IAN CARTY (collectively,  
3 “Plaintiffs”) filed their Complaint for Damages, Injunctive and Declaratory Relief in this  
4 action against PACIFIC GAS & ELECTRIC COMPANY (“PG&E”).

5                   **WHEREAS** on August 26, 2015, Plaintiffs filed their First Amended  
6 Complaint for Damages, Injunctive and Declaratory relief against PG&E.

7                   **WHEREAS** on January 27, 2016, Plaintiffs filed their Second Amended  
8 Complaint for Damages against PG&E.

9                   **WHEREAS** Plaintiffs seek to file a Third Amended Complaint for Damages  
10 pursuant to FRCP 15, which adds two potential Class Representatives, a related cause of action  
11 for False or Misleading Advertising against PG&E, and adds a specific cause of action for  
12 Breach of the Duty of Fair Representation against IBEW LOCAL 1245 (“IBEW”).

13                   **WHEREAS** a copy of Plaintiffs’ proposed Third Amended Complaint for  
14 Damages is attached hereto as **Exhibit “A.”**

15                   **WHEREAS** the parties wish to avoid delay in resolving this case, which  
16 currently has a deadline for close of paper discovery on November 21, 2016, and a deadline for  
17 close of non-expert depositions of January 21, 2017, pursuant to which the parties have  
18 scheduled 19 depositions, commencing on November 29, 2016.

19                   **WHEREAS** to avoid having to extend the paper discovery deadline any more  
20 than necessary, to avoid rescheduling of currently scheduled depositions, and to avoid any  
21 modification of the September 1, 2016, Stipulated Scheduling Order (Doc. 92), the parties have  
22 agreed that:

- 23                   1)     The current cut-off for paper discovery will remain at November 21,  
24 2016;
- 25                   2)     That PG&E will provide the employee file and payroll records for  
26 Ms. Muldrow and Pesina within 14 days of filing the Third Amended Complaint;
- 27  
28

1           3)     Plaintiffs Muldrow and Pesina will provide supplemental responses to  
2 special interrogatories served on extant Plaintiffs by PG&E and by IBEW within 14 days after  
3 receipt of their payroll records, as provided above;

4           4)     Plaintiffs will also agree to e-mail service of an additional twenty-seven-  
5 (27) Interrogatories in total,<sup>1</sup> and Requests for Admissions from Local 1245 on or before  
6 5 p.m. on October 27; and

7           5)     Plaintiffs will further agree to provide responses (with verifications to  
8 follow) to discovery served under the preceding paragraph by e-mail on or before  
9 November 21, 2016.

10                   **IT IS HEREBY STIPULATED**, by and between Plaintiffs, PG&E and IBEW  
11 through their respective counsel, that pursuant to Rule 15:

12           1.     Plaintiffs may file their Third Amended Complaint for Damages, a copy  
13 of which is attached hereto as **Exhibit “A;”**

14           2.     That PG&E will serve, within fourteen (14) days of the entry of the  
15 attached Order, the employee file and payroll records for Ms. Muldrow and Pesina. In turn,  
16 Plaintiffs’ will agree to serve supplemental answers from Ms. Muldrow and Pesina to all  
17 previously served interrogatories by both Defendants within fourteen (14) days of service of  
18 documents by PG&E;<sup>2</sup>

19           3.     Plaintiffs will also agree to e-mail service of an additional twenty-  
20 seven (27) Special Interrogatories in total, and Requests for Admissions from Local 1245 on or  
21 before 5 p.m. on October 27;

22           4.     Plaintiffs will further agree to provide responses (with verifications to  
23 follow) to discovery served under the preceding paragraph by e-mail on or before  
24 November 21, 2016; and

25  
26  
27 <sup>1</sup> Plaintiffs agree that Local 1245’s Interrogatories regarding the general allegations of the Third Amended  
28 Complaint (i.e., allegations that do not address the circumstances of a specific Plaintiff) can be served on one  
Plaintiff, and that Plaintiff’s response will be binding on all Plaintiffs.

<sup>2</sup> The parties’ further agree that service of the employee records and supplemental responses can be by e-mail or  
fax.

1                   5.       Defendant PG&E's and IBEW's responses are due twenty-one (21) days  
2 after the Third Amended Complaint for Damages is deemed filed.

3  
4 DATED: October 27, 2016

**WANGER JONES HELSLEY PC**

7 By: /s/ Patrick D.Toole

Patrick D. Toole

Dylan J. Crosby

Erin T. Huntington

Attorneys for Plaintiffs and Proposed Class

Representatives BECKY GREER,

TIMOTHY C. BUDNIK, HALEY

MARKWITH, ROSARIO SAENZ and IAN

CARTY

13  
14 DATED: October 27, 2016

**LITTLER MENDELSON, P.C.**

16 By: /s/ Robert G. Hulteng

Robert G. Hulteng

Joshua D. Kienitz

Aurelio J. Perez

Attorneys for Defendant PACIFIC GAS &

ELECTRIC COMPANY

20  
21 DATED: October 27, 2016

**LEONARD CARDER, LLP**

24 By: /s/ Philip Monrad

Philip Monrad

Alex Pacheco

Attorneys for Defendant IBEW LOCAL 1245

1 **ORDER**

2 Based on the foregoing Stipulation, and good cause appearing therein, the Court  
3 orders that:

4 1. Pursuant to Rule 15, Plaintiffs are granted leave to file their Third Amended  
5 Complaint for Damages. The Clerk of the Court is DIRECTED to file the proposed Third  
6 Amended Complaint, which is attached to the Stipulation as ECF Nos. 103-1, 103-2, 103-3,  
7 103-4, 103-5, 103-6, and 103-7;

8 2. The Clerk of the Court is DIRECTED to update the docket to reflect that Haley  
9 Markwith, Maria Garcia Pesina, and Monica Muldrow are named plaintiffs;

10 3. The Third Amended Complaint for Damages is deemed filed as of the date this  
11 Order is docketed;

12 4. Defendant PG&E's and IBEW's responses to the Third Amended Complaint are  
13 due 21 days from the date this Order is filed;

14 5. The current cut-off for paper discovery will remain as November 21, 2016;

15 6. PG&E will provide the employee files and payroll records for Plaintiffs  
16 Muldrow and Pesina within 14 days after the Third Amended Complaint is filed as ordered;

17 7. Plaintiffs Muldrow and Pesina will serve responses to the same discovery  
18 requests served on extant Plaintiffs by PG&E and by IBEW within 14 days after receipt of  
19 their payroll records;

20 8. Local 1245 will serve no more than 27 Interrogatories in total, and Requests for  
21 Admissions by e-mail on or before 5 p.m. on October 27, 2016; and,

22 9. Plaintiffs will provide responses (with verifications to follow) to discovery  
23 served under the preceding paragraph by e-mail on or before November 21, 2016.

24 IT IS SO ORDERED.

25  
26 Dated: **October 31, 2016**

*/s/ Eric P. Gray*  
27 UNITED STATES MAGISTRATE JUDGE