

1 (Counsel of record listed on next page)

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

KEITH WELDAY, an individual

Plaintiff,

vs.

RITE AID CORPORATION, and DOES 1
through 50, inclusive,

Defendants

No. 2:13-CV-02439 JAM-EFB

Related to Nos.

- 2:14-CV-01960 JAM-EFB;
- 2:14-CV-01961 JAM-EFB;
- 2:14-CV-01963 JAM-EFB;
- 2:15-CV-02150 JAM-EFB;
- 2:15-CV-02396 JAM-EFB;
- 1:15-CV-01748 JAM-EFB;
- 2:15-CV-02597 JAM-EFB;
- 1:15-CV-01872 JAM-EFB;
- 1:15-CV-01874 JAM-EFB;
- 2:16-CV-00174 JAM-EFB;
- 2:16-CV-00211 JAM-EFB;
- 2:16-CV-01028 JAM-EFB;
- 2:17-CV-01527 JAM-EFB.

**STIPULATION TO EXTEND DISCOVERY
AND RELATED DEADLINES**

Judge: Hon. John A. Mendez

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1 Plaintiffs Keith Welday, Mark Jaeger, Linda Willis, Akindale Carter, Bernadette Carter, Mike
2 Campbell, Bart Hillard, Joshua Roach, Gary Williams, Robert Hollandsworth, Louis Serpa, Agnes
3 Marcallino, Bryce Williams, Elaheh Salehi, Shannon Betts, Lisa Ladner, Caren Winegarner, and Larry
4 Jones (“Plaintiffs”) and defendant Rite Aid Corporation (“Rite Aid”), acting through their respective
5 counsel of record, hereby stipulate, and respectfully request, that the Court grant a three-month
6 extension of discovery and all related deadlines for all related cases, with the exception of *Larry Jones v.*
7 *Rite Aid Corp.*, No. 2:17-cv-01527 JAM-EFB.*

8 In support of their request, the parties stipulate as follows:

9 1. The parties are in active negotiations to resolve the remaining related cases before the
10 Court and seek this extension to facilitate those negotiations, and to provide for adequate time to
11 complete discovery should those negotiations prove unsuccessful. None of the remaining cases before
12 the Court has a current trial date and, accordingly, the requested extensions will not delay trial.

13 2. On June 9, 2016, this Court entered a scheduling order (*Kaufman* ECF 46). The
14 scheduling order set April 28, 2017, for the close of discovery for all then-related cases, and October 23,
15 2017, as the trial date for *Bruce Kaufman v. Rite Aid Corp.*, No. 2:14-CV-01961 JAM-EFB; *Chris*
16 *Gonzalez v. Rite Aid Corp.*, No. 2:14-CV-01963 JAM-EFB; *Kathryn Van Kopp v. Rite Aid Corp.*, No.
17 2:14-CV-01965 JAM-EFB; and *Rachel Chavez v. Rite Aid Corp.*, No. 2:14-cv-1957 JAM-EFB.
18 (*Kaufman* ECF 46 at 5, 8-10.). No other trial dates have been set. Since then, *the Von Kopp* and *Chavez*
19 matters have been dismissed with prejudice pursuant to stipulation (*Von Kopp* ECF 65, *Chavez* ECF 55).
20 On September 7, 2017, the parties filed a Notice of Resolution providing that the remaining two cases
21 set for trial, *Kaufman* and *Gonzalez*, also have been resolved. In response, on that date, the Court
22 entered minute orders in *Kaufman* and *Gonzalez* vacating hearing dates (*Kaufman* ECF 64, *Gonzalez*
23 ECF 63).

24
25 * The matter *Larry Jones v. Rite Aid Corp.*, U.S.D.C., E.D. Cal., No. 2:17-cv-01527 JAM-EFB,
26 was first removed to this Court on July 24, 2017 (*Jones* ECF 1), and related to the other Rite Aid Store
27 Manager cases pending before this Court on July 26, 2017 (*Jones* ECF 6). *Jones*, therefore, was not
28 contemplated in any of the Court’s prior scheduling orders; the only discovery deadline entered in *Jones*
(in a July 24, 2017, order prior to its relation to the other cases before this Court), was July 25, 2018, for
non-expert discovery, with corresponding expert disclosure and discovery deadlines following July 25,
2018 (*Jones* ECF 4, p. 2). The parties do not seek to adjust the deadlines in *Jones* with this stipulation.

1 3. The parties have filed, and the Court has granted, two prior stipulations for extensions for
2 discovery and related deadlines, which have enabled the parties to make substantial progress both in
3 discovery and in resolving these matters. Neither extension impacted any scheduled trial dates.

4 4. On March 22, 2017, the Court granted the parties' stipulation to extend discovery and
5 related deadlines and entered an order extending the close of discovery from April 28, 2017, to July 28,
6 2017; the deadline for dispositive motions from July 11, 2017, to October 10, 2017; and the hearing date
7 for dispositive motions from August 8, 2017, to November 7, 2017. (*Kaufman* ECF 51.)

8 5. On June 15, 2017, the Court granted the parties' second stipulation and entered an order
9 extending the close of discovery from July 28, 2017, to September 29, 2017; the deadline for dispositive
10 motions from October 10, 2017, to December 8, 2017; and the hearing date for dispositive motions from
11 November 7, 2017, to January 9, 2018. (*Kaufman* ECF 55.)

12 6. The parties have diligently pursued discovery in the related cases before the Court (many
13 of which have been dismissed pursuant to stipulation), including numerous depositions, written
14 discovery, and substantial document production.

15 7. The parties therefore agree and respectfully request that in the following 11 actions:

- 16 ▪ *Keith Weldon v. Rite Aid Corp.*, No. 2:13-CV-02439 JAM-EFB;
- 17 ▪ *Mark Jaeger v. Rite Aid Corp.*, No. 2:14-CV-01960 JAM-EFB;
- 18 ▪ *James Kilgore et al. v. Rite Aid Corp.*, No. 2:15-CV-02150 JAM-EFB;
- 19 ▪ *Mike Campbell v. Rite Aid Corp.*, No. 2:15-CV-02396 JAM-EFB;
- 20 ▪ *Bart Hillard et al. v. Rite Aid Corp.*, No. 1:15-CV-01748 JAM-EFB;
- 21 ▪ *Robert Hollandsworth v. Aid Corp.*, No. 2:15-CV-02597 JAM-EFB;
- 22 ▪ *Destrea Bell et al. v. Rite Aid Corp.*, No. 1:15-CV-01872 JAM-EFB;
- 23 ▪ *Bryce Williams v. Rite Aid Corp.*, No. 1:15-CV-01874 JAM-EFB;
- 24 ▪ *Elaheh Salehi et al. v. Rite Aid Corp.*, No. 2:16-CV-00174 JAM-EFB;
- 25 ▪ *Lisa Ladner v. Rite Aid Corp.*, No. 2:16-CV-00211 JAM-EFB; and
- 26 ▪ *Caren Winegarner v. Rite Aid Corp.*, No. 2:16-CV-01028 JAM-EFB.

27 the Court extend the discovery completion deadline, and all related deadlines, as follows:

- 28 ▪ Close of discovery extended from September 29, 2017, to December 29, 2017;

- 1 ▪ Dispositive motion deadline extended from December 8, 2017, to March 8, 2018; and
- 2 ▪ Dispositive motion hearing date extended from January 9, 2018, to April 9, 2018.

3 This stipulation is filed by Justin M. Scott. All other signatories listed, and on whose behalf the
4 filing is submitted, concur in the filing's content and have authorized this filing.

5 Dated: September 11, 2017. MATTHEW RIGHETTI
6 JOHN GLUGOSKI
7 MICHAEL RIGHETTI
8 RIGHETTI GLUGOSKI, P.C.

8 By: /s/ Michael Righetti
9 Michael Righetti
10 Attorneys for Plaintiffs

10 Dated: September 11, 2017. JEFFREY D. WOHL
11 JUSTIN M. SCOTT
12 PAUL HASTINGS LLP

13 By: /s/ Justin M. Scott
14 Justin M. Scott
15 Attorneys for Defendant Rite Aid Corporation

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15 RITE AID CORPORATION, and DOES 1
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2:16-CV-00211 JAM-EFB;
2:16-CV-01028 JAM-EFB;
2:17-CV-01527 JAM-EFB.

20 **[PROPOSED] ORDER GRANTING**
21 **STIPULATION TO EXTEND DISCOVERY**
22 **AND RELATED DEADLINES**

Judge: Hon. John A. Mendez
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1 On the stipulation of the parties, and good cause appearing therefor,

2 IT IS ORDERED that in the following cases:

- 3 ▪ *Keith Welday v. Rite Aid Corp.*, No. 2:13-CV-02439 JAM-EFB;
- 4 ▪ *Mark Jaeger v. Rite Aid Corp.*, No. 2:14-CV-01960 JAM-EFB;
- 5 ▪ *James Kilgore et al. v. Rite Aid Corp.*, No. 2:15-CV-02150 JAM-EFB;
- 6 ▪ *Mike Campbell v. Rite Aid Corp.*, No. 2:15-CV-02396 JAM-EFB;
- 7 ▪ *Bart Hillard et al. v. Rite Aid Corp.*, No. 1:15-CV-01748 JAM-EFB;
- 8 ▪ *Robert Hollandsworth v. Aid Corp.*, No. 2:15-CV-02597 JAM-EFB;
- 9 ▪ *Destrea Bell et al. v. Rite Aid Corp.*, No. 1:15-CV-01872 JAM-EFB;
- 10 ▪ *Bryce Williams v. Rite Aid Corp.*, No. 1:15-CV-01874 JAM-EFB;
- 11 ▪ *Elaheh Salehi et al. v. Rite Aid Corp.*, No. 2:16-CV-00174 JAM-EFB;
- 12 ▪ *Aaron Guzman et al. v. Rite Aid Corp.*, No. 2:16-CV-00211 JAM-EFB; and
- 13 ▪ *Caren Winegarner v. Rite Aid Corp.*, No. 2:16-CV-01028 JAM-EFB.

14 the deadlines in the following cases are extended as follows:

- 15 ▪ the close of discovery is extended from September 29, 2017, to December 29, 2017;
- 16 ▪ the dispositive motion deadline is extended from December 8, 2017, to March 8, 2018;
- 17 ▪ the dispositive motion hearing date is continued from January 9, 2018, to April 9, 2018.

18 Dated: September 12, 2017

19 /s/ John A. Mendez
20 John A. Mendez
21 United States District Court Judge
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