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18 **UNITED STATES DISTRICT COURT**
19 **EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION**

20 BRANDY BREWER, on behalf of herself and on
21 behalf of all other similarly situated individuals,

22 Plaintiff,

23 v.

24 SAPUTO DAIRY FOODS USA, a Delaware
25 Corporation, SAPUTO CHEESE USA, INC., a
26 Delaware Corporation; and DOES 1-50, inclusive,

27 Defendants.

) Case No. 1:16-cv-01373-DAD-EPG

)

) **STIPULATION AND REQUEST TO**
) **CONTINUE DISCOVERY DEADLINES AND**
) **MOTION FILING AND HEARING DATES**
) **IN FAVOR OF MEDIATION; ORDER**

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1 **TO THE HONORABLE COURT:**

2 Plaintiff Brandy Brewer and Defendants Saputo Dairy Foods USA and Saputo Cheese USA, Inc.,
3 (collectively the “Parties”) hereby stipulate and agree as follows:

4 1. WHEREAS, on or about March 10, 2017, the Parties began discussing the
5 possibility of early mediation before a private mediator to entirely resolve this lawsuit;

6 2. WHEREAS, the Parties have agreed to a Mediation before a respected private
7 mediator, David Lowe, on August 16, 2017;

8 3. WHEREAS, the August 16, 2017 mediation date was the earliest mediation date
9 that could be secured by the Parties on an agree-to mediator’s schedule after inquiring with three different
10 mediators;

11 4. WHEREAS, as a precondition to mediation, the Parties agreed to continue then
12 pending deadlines for the Parties to respond to discovery including a noticed Rule 30 deposition of
13 Plaintiff, two sets of Rule 33 Interrogatories propounded by Defendants, two sets of Rule 34 Document
14 Demands propounded by Defendant, and two sets of Rule 36 Requests for Admissions propounded by
15 Defendant. Additionally, the Parties agreed to defer any discovery motion practice until after the
16 scheduled mediation. Plaintiff previously propounded Rule 33 Interrogatories and Rule 34 Document
17 Demands on Defendants and Defendant previously propounded two sets of Rule 34 Document Demands,
18 but the Parties had yet to meet and confer or move the Court related to that discovery.

19 5. WHEREAS, the Parties have agreed to exchange the information necessary to
20 settlement discussions informally;

21 6. WHEREAS, the Parties’ agreement to pause discovery pending mediation was a
22 precondition to mediation as the Parties seek to avoid the expenses and consumption of resources
23 associated with formal discovery and potential motion practice before the Court;

24 7. WHEREAS, the Court’s December 5, 2016, Scheduling Order, Document No, 14
25 set dates for:

26 a. Non-Expert Discovery due on 9/8/2017;

27 b. Class Certification Motion filing due on 11/3/17;

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- c. Opposition due on 1/12/18;
- d. Reply due on 3/2/18;
- e. Motion Hearing set for 4/3/18 before District Judge Dale A. Drozd.

8. WHEREAS, in light of the Parties' scheduled mediation and request to avoid the expense and consumption of resources associated with formal discovery, the Parties agree and respectfully request the Court vacate the current dates and reset them to:

- a. Non-Expert Discovery due on or after 2/8/2018;
- b. Class Certification Motion filing due on or after 4/3/18;
- c. Opposition due on or after 6/12/18;
- d. Reply due on or after 8/2/18;
- e. Motion Hearing set for 9/4/18 or as soon thereafter as practicable for the Court's calendar.

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DATED: _____, 2017

THE DOWNEY LAW FIRM

By: _____
Cory G. Lee
Attorneys for Plaintiff Brandy Brewer

DATED: _____, 2017

STUART R. CHANDLER, APC

By: _____
Stuart R. Chandler
Attorneys for Plaintiff Brandy Brewer

DATED: _____, 2017

SUTTON HAGUE LAW CORPORATION

By: _____
S. Brett Sutton
Jared Hague
Joseph V. Macias
Wesley Carlson
Attorneys for Defendants Saputo Dairy Foods USA, LLC and
Saputo Cheese USA, Inc.

ORDER

1 Based on the above stipulation (a fully-executed copy of which is located on the docket as ECF No.
2 21) and good cause having been shown therein, the dates set by the Court’s December 5, 2016 Scheduling
3 Order (ECF No. 14) are vacated and reset to:

- 4 a. Non-Expert Discovery cutoff date is set for **February 8, 2018**;
- 5 b. Mid-Discovery status conference is set for **November 13, 2017 at 9:30 a.m.** in
6 Courtroom 10 (EPG);
- 7 c. Motion for class certification shall be filed no later than **April 3, 2018**;
- 8 d. Opposition to motion for class certification shall be filed no later than **June 12, 2018**;
- 9 e. Reply in support of motion for class certification shall be filed no later than **August 2,**
10 **2018**;
- 11 f. Hearing on the motion for class certification is set for on **September 4, 2018 at 9:30**
12 **a.m.** in Courtroom 5 (DAD).

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14 IT IS SO ORDERED.

15 Dated: June 1, 2017

16 /s/ Eric P. Groj
17 UNITED STATES MAGISTRATE JUDGE