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12 **UNITED STATES DISTRICT COURT**
13 **EASTERN DISTRICT OF CALIFORNIA**
14

15 U.S. EQUAL EMPLOYMENT
16 OPPORTUNITY COMMISSION,

17 Plaintiff,

18 vs.

19 MARQUEZ BROTHERS INTERNATIONAL,
20 INC., MARQUEZ BROTHERS
ENTERPRISES, INC.,
21 MARQUEZ BROTHERS FOODS, INC.,
22 MARQUEZ BROTHERS SOUTHERN
CALIFORNIA, INC., MARQUEZ
23 BROTHERS NEVADA, INC., MARQUEZ
24 BROTHERS TEXAS I, INC., AND DOES 1-
10, INCLUSIVE

25 Defendant(s).
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) Case No.: 1:17-cv-00044-AWI-EPG
)
)

**JOINT STIPULATION TO SCHEDULE
SETTLEMENT CONFERENCE, TO
CONTINUE MANDATORY
SCHEDULING CONFERENCE AND
RELATED DATES, AND TO STAY
DISCOVERY; ORDER**

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11 Attorneys for Defendants
12 Marquez Brothers International, Inc.,
13 Marquez Brothers Enterprises, Inc.,
14 Marquez Brothers Foods, Inc.,
15 Marquez Brothers Southern Cal., Inc.,
16 Marquez Brothers Nevada, Inc., and
17 Marquez Brothers Texas I, Inc.

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1 Plaintiff Equal Employment Opportunity Commission (“EEOC”) and Defendants
2 Marquez Brothers International, Inc., Marquez Brothers Enterprises, Inc., Marquez Brothers
3 Foods, Inc., Marquez Brothers Southern California, Inc., Marquez Brothers Nevada, Inc., and
4 Marquez Brothers Texas I, Inc. (“Defendants”, collectively, the “Parties”) by and through their
5 counsel of record stipulate as follows to schedule a settlement conference and to continue the
6 Mandatory Scheduling Conference, currently scheduled for December 7, 2017 at 9:30 a.m.:

7 1. On January 11, 2017, Plaintiff EEOC filed its Complaint alleging Defendants
8 violated Title VII of the Civil Rights Act, 42 U.S.C. § 2000e *et seq.*, by engaging in unlawful
9 employment hiring practices based on race and by failing or refusing to make, preserve, and
10 produce the required records and reports. (Complaint, ECF No. 1). Before any of the
11 Defendants filed a response to the Complaint, Plaintiff filed on February 28, 2017 its First
12 Amended Complaint. (First Amended Complaint, ECF No. 5).

13 2. On January 11, 2017, the Court issued its order setting the Mandatory
14 Scheduling Conference on April 11, 2017 at 9:00 a.m. (Sch. Conf. Order 1, ECF No. 1). The
15 Court also ordered the Parties to file a Joint Scheduling Report one full week prior to the
16 Scheduling Conference. (*Id.* at 3). The Court further ordered the Parties to hold a conference of
17 counsel at least twenty days prior to the Mandatory Scheduling Conference. (*Id.*).

18 3. On March 29, 2017, the Parties filed a first stipulation requesting a continuance
19 of the Mandatory Scheduling Conference and related dates to account for the briefing schedule
20 related to Defendants’ Motion to Dismiss EEOC’s First Amended Complaint. (3/29/17 Stip.,
21 ECF No. 7). On March 30, 2017, the Court continued the Mandatory Scheduling Conference
22 from April 11, 2017 to October 2, 2017 at 9:00 a.m. with telephonic appearances granted.
23 (3/30/17 Order 2, ECF No. 9).

24 4. On September 13, 2017, the Parties filed a second stipulation requesting a
25 continuance and related dates to account for the anticipated ruling by District Judge Ishii on
26 Defendants’ Motion to Dismiss the EEOC’s First Amended Complaint. (9/13/17 Stip., ECF No.
27 26). On September 14, 2017, the Court vacated the Mandatory Scheduling Conference and
28 ordered the Parties to file a stipulation to set forth proposed dates for the Mandatory Scheduling

1 Conference after District Judge Ishii's ruling on Defendants' to Dismiss. (9/14/17 Order, ECF
2 No. 27).

3 5. On September 18, 2017, District Judge Ishii issued an Order denying
4 Defendants' Motion to Dismiss EEOC's First Amended Complaint. (9/18/17 Order, ECF No.
5 28). On September 25, 2017, the Parties filed its third stipulation proposing December 7, 2017
6 at 9:30 a.m. for the Mandatory Scheduling Conference. (9/25/17 Stip., ECF No. 29). On
7 September 26, 2017, the Court ordered the Mandatory Scheduling Conference to be scheduled
8 for December 7, 2017 at 9:30 a.m. and the filing of the joint status report one full week prior to
9 the conference. (9/26/17 Order, ECF No. 30).

10 6. Since District Judge Ishii's decision, the Parties have started to engage in
11 discovery. The Parties have held a Rule 26 meeting of counsel and have served their Initial
12 Disclosures pursuant to Rule 26. Defendants have served subpoenas to obtain documents from
13 third-parties. The EEOC has served interrogatories and document requests to all Defendants.

14 7. The Parties recently have agreed to request a settlement conference in an attempt
15 to resolve the litigation before both Parties expend significant resources in discovery. Through
16 the Court's Clerk, the Parties understand that Magistrate Judge Thurston is willing to handle a
17 settlement conference for this case. Based on Magistrate Judge Thurston's availability, the
18 Parties have agreed to a settlement conference on February 1, 2018 at 1:30 p.m.

19 8. In light of the proposed settlement conference on February 1, 2018, the Parties
20 stipulate as follows:

- 21 a. to attend a settlement conference before Magistrate Judge Thurston on
22 February 1, 2018 at 1:30 p.m.
- 23 b. to continue the currently scheduled Mandatory Scheduling Conference on
24 December 7, 2017 to March 5, 2018 at 9:30 a.m.;
- 25 c. to file a joint scheduling report no later than seven days before the
26 Mandatory Scheduling Conference; and
- 27 d. to a stay of discovery until February 8, 2018 and the responses to any
28 pending discovery requests are due no later than February 26, 2018,

1 unless the Parties stipulate to extend the deadlines in accordance with
2 Local Rule 144 or otherwise ordered by the Court.

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4 **IT IS SO STIPULATED.**

5 Dated: December 1, 2017

6 Respectfully Submitted

7 U.S. EQUAL EMPLOYMENT
8 OPPORTUNITY COMMISSION

9 */s/ Derek W. Li*

10 By:

Derek W. Li
EEOC Trial Attorney for Plaintiff EEOC

11
12 Dated: December 1, 2017

LITTLER MENDELSON, P.C.

13 */s/ Aurelio Perez*

14 BY:

Keith Jacoby
Aurelio Perez
Attorneys for Defendants
Marquez Brothers International, Inc.,
Marquez Brothers Enterprises, Inc.,
Marquez Brothers Foods, Inc.,
Marquez Brothers Southern Cal., Inc.,
Marquez Brothers Nevada, Inc., and
Marquez Brothers Texas I, Inc.

ORDER

For good cause shown as stated by the Parties' stipulation, the Court orders that:

- a. The Parties shall attend the settlement conference before Magistrate Judge Thurston on February 1, 2018 at 1:30 p.m.
- b. The Mandatory Scheduling Conference scheduled for December 7, 2017 shall be continued to March 5, 2018 at 9:30 a.m. The Court grants telephonic appearances at said conference with each party wishing to so appear directed to use the following dial-in number and passcode: 1-888-251-2909; passcode 1024453.
- c. The Parties shall file a joint scheduling report no later than seven days before the Mandatory Scheduling Conference.
- d. Discovery shall be stayed until February 8, 2018 and responses to any pending discovery requests shall be due no later than February 26, 2018, unless the Parties stipulate to extend the deadlines in accordance with the Local Rule 144 or otherwise ordered by the Court.

IT IS SO ORDERED.

Dated: December 1, 2017

/s/ Eric P. Groj
UNITED STATES MAGISTRATE JUDGE