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and CHARLES BEATY

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DONNIE CUMMINGS, ET AL.,

Plaintiffs,

vs.

CENERGY INTERNATIONAL SERVICES, LLC,

Defendant.

) CASE NO. 1:17-cv-00484-LJO-JLT

)
) **JOINT STIPULATION TO STAY**
) **ACTION PENDING ALTERNATIVE**
) **DISPUTE RESOLUTION & ORDER**

) (Doc. 31)

TO THE COURT AND THE CLERK OF COURT, PLEASE TAKE NOTICE THAT Pursuant to Local Rule 143, Plaintiffs Donnie Cummings and Charles Beaty (collectively, “Plaintiffs”), and Defendants Cenergy International Services, LLC (“Defendant”) (together with Plaintiffs, the “Parties”), jointly file this stipulation and proposed order regarding private alternative dispute resolution:

WHEREAS, the Parties have agreed to mediate the instant dispute on March 20, 2018;

WHEREAS, the Parties have agreed that this action and all proceedings connected with the *McQueen v. Chevron*, No. 4:16-cv-02089-JSW (N.D. Cal.) litigation shall be stayed in their entirety pending mediation; and

WHEREAS, the Parties agree to seek a stay in all venues¹, including this matter, in arbitration, and in the *McQueen* federal court action; and

WHEREAS, a stay has been entered pursuant to the parties’ requests in the *McQueen v. Chevron* action and the *Cummings v. Chevron* arbitration; and

WHEREAS, the Parties agree that any party may request a lift of the stay at any time, provided that the request is made in all venues; and

WHEREAS, any proposal by one of the Parties to lift the stay in this matter shall include a proposal to reset all currently pending dates, including but not limited to, a date for a mid-discovery conference, and for the close of discovery.

NOW THEREFORE, the Parties hereby stipulate that:

1. The Parties are currently scheduled for a mediation on March 20, 2018;
2. All matters and deadlines in all venues in this case shall be stayed in their entirety and the Court shall take no further action in this matter until further notice from the parties;
3. The parties will provide a status report to this Court within 5 days of the completion of the mediation;
4. Any party may request a lift of the stay at any time, provided that the request is made

¹ As used herein, “all venues” shall include the *McQueen v. Chevron* federal court action, the *Cummings v. Chevron* arbitration, and the *Cummings v. Cenergy* federal court action.

in all venues and any proposal to lift the stay in this matter includes a proposal to reset all currently pending dates, including but not limited to, a date for a mid-discovery conference, and for the close of discovery.

IT IS SO STIPULATED

Dated: February 13, 2018

Respectfully submitted,

NICHOLS KASTER, LLP

By: /s/ Matthew C. Helland

Matthew C. Helland

Daniel S. Brome

Attorney for Plaintiffs,

DONNIE CUMMINGS and CHARLES BEATY

Dated: February 13, 2018

LOCKE LORD LLP

By: /s/ Nina Huerta

Nina Huerta

Attorney for Defendant

CENERGY INTERNATIONAL SERVICES, LLC

ORDER

Based upon the stipulation of the parties, the Court **ORDERS**:

1. The action is **STAYED**;
2. Within five days of the completion of the mediation, but not later than March 30, 2018, and every 30 days thereafter, the parties **SHALL** file a joint status report detailing the progress of settlement efforts and whether the stay should be lifted.

IT IS SO ORDERED.

Dated: February 15, 2018

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE