

1 ERIC B. KINGSLEY, Esq. (SBN 185123)  
eric@kingsleykingsley.com  
2 KELSEY M. SZAMET, Esq. (SBN 260264)  
kelsey@kingsleykingsley.com  
3 ARI J. STILLER, Esq. (SBN 294676)  
ari@kingsleykingsley.com  
4 KINGSLEY & KINGSLEY, APC  
5 16133 Ventura Blvd., Suite 1200  
Encino, CA 91436  
6 (818) 990-8300, Fax (818) 990-2903

7 Attorneys for Plaintiff and the Proposed Class

8 Daniel K. Klingenberg, Esq. (SBN 131134)  
9 LAW OFFICES OF  
LEBEAU • THELEN, LLP  
10 5001 East Commercenter Drive, Suite 300  
Post Office Box 12092  
11 Bakersfield, California 93389-2092  
12 (661) 325-8962; Fax (661) 325-1127  
dklingenberg@lebeauthelen.com

13 Attorneys for ESPARZA ENTERPRISES, INC.  
14

15 **UNITED STATES DISTRICT COURT**  
16 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

17  
18 OLGA CASILDO; JAIME CHINO  
19 SEVERIANO, as individuals, on behalf of  
themselves and others similarly situated

20 **PLAINTIFFS,**

21 v.

22 ESPARZA ENTERPRISES, INC; and DOES  
23 1 thru 50, inclusive,

24 **DEFENDANTS.**

CASE NO. 1:17-cv-00601-LJO-JLT

**STIPULATION TO STAY ENTIRE  
ACTION; [~~PROPOSED~~] ORDER  
THEREON  
(Doc. 13)**

1 Plaintiffs Olga Casildo and Jaime Chino Severiano (hereinafter "Plaintiffs") and  
2 Defendant Esparza Enterprises, Inc. (hereinafter "Esparza" or "Defendant"), by and through their  
3 respective counsel of record, hereby stipulate as follows:

4 WHEREAS, Plaintiffs filed the instant action (the "*Casildo* Action") on April 28, 2017;

5 WHEREAS, Plaintiffs also objected to approval of a class action settlement in the case of  
6 *Clendenen v. Esparza Enterprises, Inc. et al.*, Kern County Case No. S-1500-CV-281278-SPC  
7 (the "*Clendenen* Action"). Among other arguments, Plaintiffs' objection asserted that the  
8 *Clendenen* settlement impermissibly purports to release claims asserted in the *Casildo* action;

9 WHEREAS, the Kern County Superior Court heard a Motion for Final Approval of the  
10 *Clendenen* settlement on June 6, 2017;

11 WHEREAS, the *Clendenen* court issued a minute order on July 12, 2017 finding the  
12 *Clendenen* settlement to be fair, adequate, and reasonable, and overruling Plaintiffs' objections;

13 WHEREAS, Plaintiffs intend to appeal the order granting final approval of the settlement  
14 and overruling their objections;

15 WHEREAS, the outcome of Plaintiffs' appeal in the *Clendenen* Action could impact the  
16 viability of their claims in present case.

17 NOW THEREFORE, the Parties hereby stipulate and agree as follows:

18 1. The *Casildo* Action shall be stayed in its entirety pending resolution of Plaintiffs'  
19 appeal of the order granting final approval of the settlement and overruling objections in the  
20 *Clendenen* Action.

21 2. Within twenty-one (21) days after receiving notice of the Court of Appeal  
22 decision regarding Plaintiffs' appeal of the order granting final approval of the settlement,  
23 Plaintiffs shall file with this Court a request 1) to lift the stay, 2) to dismiss the *Casildo* Action,  
24 or 3) for other appropriate action.

25 3. In the event the stay of the *Casildo* Action is lifted, Defendant shall have thirty  
26 (30) days to file a response to the Complaint in the *Casildo* Action.

27 IT IS SO STIPULATED.  
28

1 DATED: July 31, 2017

KINGSLEY & KINGSLEY, APC

2 By: /s/ ARI J. STILLER

3 Eric B. Kingsley

4 Ari J. Stiller

Attorneys for Plaintiff and the Proposed Class

5 DATED: July 31, 2017

LEBEAU • THELEN, LLP

6 By: /s/ DANIEL K. KLINGENBERGER

7 Daniel K. Klingenberger

8 Attorneys for Esparza Enterprises, Inc.

9  
10 **ORDER TO STAY ACTION PURSUANT TO STIPULATION**

11 Pursuant to the Parties' stipulation and for good cause shown, the Court hereby orders as  
12 follows:

13 1. The *Casildo* Action shall be stayed in its entirety pending resolution of Plaintiffs'  
14 appeal of the order granting final approval of the settlement and overruling objections in the  
15 *Clendenen* Action, Kern County Case No. S-1500-CV-281278-SPC.

16 2. Within 10 days of the plaintiffs' decision to forego an appeal in the *Clendenen*  
17 action or within 10 days after receiving notice of the Court of Appeal's decision regarding the  
18 plaintiffs' appeal in the *Clendenen* Action, the plaintiffs shall file with this Court a request 1) to  
19 lift the stay, 2) to dismiss the *Casildo* Action, or 3) for other appropriate action.

20 3. In the event the stay of the *Casildo* Action is lifted, Defendant shall have 30 days  
21 to file a response to the Complaint in the *Casildo* Action.

22  
23 IT IS SO ORDERED.

24 Dated: July 31, 2017

/s/ Jennifer L. Thurston  
UNITED STATES MAGISTRATE JUDGE