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Attorneys for ESPARZA ENTERPRISES, INC.

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

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

PLAINTIFFS,

v.

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

DEFENDANTS.

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

**STIPULATION TO PERMIT PLAINTIFFS
TO FILE THIRD AMENDED
COMPLAINT; [PROPOSED] ORDER
THEREON**

1 Plaintiffs Olga Casildo, Jaime Chino Severiano, Ofelia Tornos Aguilar, Juan Carlos
2 Veronica Loreto, Moises Veronica Loreto, Marisela Serna, Hermina Veronica Loreto, Margarita
3 Casildo Bailon, Emanuel Casimiro Nandi, Elida Ramirez, and Jasmin Castro Grande (“Plaintiffs”)
4 and Defendant Esparza Enterprises, Inc. (“Esparza” or “Defendant”), by and through their
5 respective counsel of record, hereby stipulate as follows:

6 WHEREAS, Plaintiffs are a group of current and former Esparza employees who opted out
7 of a class action settlement in the related case of *Clendenen v. Esparza Enterprises, Inc., et al.*
8 (*Clendenen*), Kern County Superior Court Case No. S-1500-CV-281278-SPC;

9 WHEREAS, the Court lifted a stay in the present matter on March 19, 2018;

10 WHEREAS, this matter was originally filed as a class action, but after the stay was lifted,
11 Plaintiffs filed a First Amended Complaint (“FAC”) on March 22, 2018 dismissing class
12 allegations;

13 WHEREAS, Plaintiffs filed a Second Amended Complaint (“SAC”) on May 31, 2018 to
14 allege individual claims on behalf of Plaintiff Olga Casildo. Ms. Casildo was included in the
15 original complaint but removed from the FAC based on defense counsel’s representations that her
16 claims were released by the *Clendenen* settlement. However, Plaintiff’s counsel verified that Ms.
17 Casildo opted out of the *Clendenen* settlement and can pursue claims in this action;

18 WHEREAS, the parties have been engaging in settlement negotiations since the SAC was
19 filed;

20 WHEREAS, in the course of settlement negotiations, Plaintiff’s counsel notified defense
21 counsel that an Esparza employee who was not included in the SAC, Jasmin Castro Grande, had
22 opted out of the *Clendenen* settlement and wishes to pursue claims in this case;

23 WHEREAS, Plaintiffs wish to file a Third Amended Complaint adding Ms. Castro Grande
24 to this action;

25 WHEREAS, a proposed Third Amended Complaint is attached hereto as Exhibit “A”;

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

27 1. Plaintiffs shall be granted leave to file the Third Amended Complaint attached
28 hereto as Exhibit “A”;

2. Defendant shall have 30 days from the date of the filing of the Third Amended Complaint to file a responsive pleading.

IT IS SO STIPULATED.

DATED: August 30, 2018

KINGSLEY & KINGSLEY, APC

By: /s/ Ari J. Stiller

Eric B. Kingsley

Ari J. Stiller

Attorneys for Plaintiff and the Proposed Class

DATED: August 30, 2018

LEBEAU • THELEN, LLP

By: /s/ Kelly Lazerson

Kelly Lazerson

Attorneys for Defendant Esparza Enterprises, Inc.

IT IS SO ORDERED.

Dated: **August 30, 2018**

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE

1 **ORDER GRANTING LEAVE TO FILE THIRD AMENDED COMPLAINT**

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

4 1. Plaintiffs shall be given leave to file the Third Amended Complaint attached to the
5 parties' stipulation as Exhibit "A";

6 2. Defendant shall have 30 days from the date of the filing of the Third Amended
7 Complaint to file a responsive pleading.

8 IT IS SO ORDERED.

9
10
11 Dated: _____

_____ UNITED STATES MAGISTRATE JUDGE