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8 ***ADDITIONAL COUNSEL LISTED ON***
9 ***FOLLOWING PAGE***

10 UNITED STATES DISTRICT COURT
11 EASTERN DISTRICT OF CALIFORNIA—FRESNO DIVISION

12
13 ELIZABETH WISE, an individual,
14 Plaintiff,

15 vs.

16 ULTA SALON, COSMETICS &
FRAGRANCE, INC., and DOES 1-100,
17 inclusive,

18 Defendants.

CASE NO. 1:17-CV-00853-DAD-EPG
(Lead Case)

**STIPULATION AND ORDER TO STAY
CASE DEADLINES PENDING APPROVAL
OF SETTLEMENT**

19 JULIE ZEPEDA, individually and on
behalf of all others similarly situated,

20 Plaintiff,

21 vs.

22
23 ULTA SALON, COSMETICS &
FRAGRANCE, INC., a Delaware
corporation, and DOES 1 through 50,
24 inclusive,
25 Defendants.

CASE NO. 1:18-CV-00750-DAD-BAM
(Member Case)

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23 *JULIE ZEPEDA and the Putative Class*

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1 STIPULATION

2 Plaintiff ELIZABETH WISE (“Plaintiff WISE”) and Defendant ULTA SALON,
3 COSMETICS & FRAGRANCE, INC. (“Defendant”) and Plaintiff JULIE ZEPEDA (collectively the
4 “Parties”) by and through their respective counsel of record hereby stipulate to stay discovery pending
5 approval of the settlement in the above-entitled consolidated actions.

6 **WHEREAS**, on June 26, 2017, Plaintiff WISE filed this putative class action in the Eastern
7 District of California.

8 **WHEREAS**, on November 13, 2017 the putative class action, *Zepeda v. ULTA Salon,*
9 *Cosmetics & Fragrance, Inc.*, Case No. 30-2017-000955264-CU-OE-CXC was filed in the Superior
10 Court of the State of California, Orange County (“*Zepeda*”) involving the similar California wage and
11 hour claims and common questions of law and fact.

12 **WHEREAS**, on June 1, 2018, the Court denied Defendant’s pending Motion to Dismiss, and
13 transferred *Zepeda* from the Central District to the Eastern District of California. [*Zepeda*, Dkt. No.
14 26; case number 1:18-cv-00750-DAD-BAM.]

15 **WHEREAS**, on August 8, 2018, the Court consolidated the putative class action, *Zepeda*, as
16 a member case with the first-filed *Wise* action as the lead case. [Dkt. No. 30.]

17 **WHEREAS**, the Court set deadlines on July 19, 2018, which includes the following dates:
18 Motion for Class Certification filing deadline is 7/12/2019, with said motion to be noticed before, and
19 in compliance with, District Judge Dale A. Drozd's law and motion calendar and motion filing
20 requirements; Non-Expert Discovery due by 2/28/2019; Designation of Expert Witnesses due by
21 4/12/2019; Rebuttal Designation of Expert Witnesses due by 5/10/2019; Expert Discovery due by
22 6/7/2019; Dispositive Motions filed by 1/17/2020; Pretrial Conference set for 5/18/2020 at 01:30 PM
23 in Courtroom 5 (DAD) before District Judge Dale A. Drozd; Jury Trial set for 7/21/2020 at 01:00 PM
24 in Courtroom 5 (DAD) before District Judge Dale A. Drozd. [Dkt. Nos. 27, 28.]

25 **WHEREAS**, the Parties agreed to, and participated in mediation with Mr. Steven Serratore on
26 January 24, 2019. While no settlement was reached during the mediation, the Parties participated in
27 continued negotiations with Mr. Serratore and reached an agreement on February 8, 2019.

28 **WHEREAS**, the Parties are working cooperatively to finalize and file a long-form settlement

1 agreement and motion for preliminary approval of the settlement agreement reached between the
2 Parties.

3 **WHEREAS**, the Parties would like to focus on the finalization of the long-form settlement
4 agreement and the related motion, and vacate all deadlines under the currently-set schedule. [Dkt. No.
5 27.]

6 **IT IS HEREBY STIPULATED BY AND BETWEEN THE PARTIES:**

7 All deadlines, including trial, as set forth in the minute orders, docket numbers 27 and 28, are
8 stayed pending approval of the settlement of the consolidated cases and, if no such approval is granted,
9 then all deadlines, including trial, will be re-calendared based on the date of denial of the motion for
10 preliminary approval.

11
12
13 DATED: February 12, 2019

/s/ Julie Stockton

RICHARD H. RAHM
KAI-CHING CHA
JULIE A. STOCKTON

LITTLER MENDELSON, P.C.
Attorneys for Defendant
ULTA SALON, COSMETICS & FRAGRANCE,
INC.

14
15
16
17 DATED: February 12, 2019

/s/ Robert J. Wasserman

ROBERT J. WASSERMAN
WILLIAM J. GORHAM, III

MAYALL HURLEY P.C.
Attorneys for Plaintiff Elizabeth Wise and the
Putative Class

1 DATED: February 12, 2019

/s/ William L. Marder
WILLIAM L. MARDER

POLARIS LAW GROUP LLP
Attorneys for Plaintiff JULIE ZEPEDA and the
Class

5 DATED: February 12, 2019

/s/ Dennis S. Hyun
Dennis S. Hyun

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Attorneys for Plaintiff JULIE ZEPEDA and the
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9 DATED: February 12, 2019

/s/ Edward W. Choi
Edward W. Choi

LAW OFFICES OF CHOI & ASSOCIATES
Attorneys for Plaintiff JULIE ZEPEDA and the
Class

FILER'S ATTESTATION

Pursuant to Local Rules, I, the filer of this document, attest that all other signatories listed, and on whose behalf the filing is submitted, concur in the filing's content and have authorized the filing.

19 DATED: February 12, 2019

/s/ Julie Stockton
JULIE A. STOCKTON

ORDER

For good cause appearing and the reasons set forth in the above stipulation, the Court grants the Parties' stipulation to stay all deadlines, including trial, as set forth in the minute orders (ECF Nos. 27, 28) pending approval of the settlement of the consolidated cases and, if no such approval is granted, then all of the deadlines, including trial, will be re-calendared based on the date of denial of the motion for preliminary approval.

IT IS SO ORDERED.

Dated: February 13, 2019

/s/ Eric P. Grogan
UNITED STATES MAGISTRATE JUDGE

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