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13 *(Additional counsel listed on next page)*

14 **UNITED STATES DISTRICT COURT**  
15 **EASTERN DISTRICT OF CALIFORNIA**

16  
17 JOSE MACIEL and ELVIS BONILLA,  
on behalf of themselves, and all others  
18 similarly situated, and as an “aggrieved  
employee” on behalf of other  
19 “aggrieved employees” under the Labor  
Code Private Attorneys General Act of  
20 2004,

21  
22 Plaintiffs,

23 v.

24  
25 BAR 20 DAIRY, LLC, a California  
limited liability company; and DOES 1  
26 through 50, inclusive,

27 Defendants.  
28

Case No. 1:17-cv-00902-DAD-SKO

**JOINT STIPULATION AND  
ORDER TO VACATE CLASS  
CERTIFICATION DATES**

(Doc. 65)

Judge: SHEILA K. OBERTO  
U.S. MAGISTRATE JUDGE

1 **SUTTON HAGUE LAW CORPORATION, P.C.**

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1 IT IS HEREBY STIPULATED by and between Plaintiff Jose Maciel, by and  
2 through his counsel of record, David Spivak and Caroline Tahmassian of The  
3 Spivak Law Firm, Plaintiff Elvis Bonilla, by and through his counsel of record, Eric  
4 B. Kingsley and Kelsey M. Szamet of Kingsley & Kingsley, APC (collectively  
5 hereafter “Plaintiffs”), and Defendant Bar 20 Dairy, LLC (“Defendant”) by and  
6 through its counsel of record, S. Brett Sutton and Jared Hague of Sutton Hague Law  
7 Corporation, P.C., as follows:

8 1. WHEREAS, on October 23, 2018, the Court denied Plaintiffs’  
9 unopposed motion for preliminary approval of class action settlement without  
10 prejudice.

11 2. WHEREAS, on March 14, 2019, the Court held a Mandatory  
12 Scheduling Conference and ordered Plaintiffs to file a motion for class certification  
13 no later than December 13, 2019.

14 3. WHEREAS, following the Mandatory Scheduling Conference, the  
15 Parties continued their settlement negotiations and agreed to revise the terms of the  
16 settlement.

17 4. WHEREAS, on December 17, 2019, and by the stipulation of the  
18 Parties, the Court continued Plaintiffs’ deadline to file their motion for class  
19 certification to February 26, 2020.

20 5. WHEREAS, on February 18, 2020, and by the stipulation of the  
21 Parties, the Court continued Plaintiffs’ deadline to file their motion for class  
22 certification to April 27, 2020.

23 6. WHEREAS, the Parties finalized the amended settlement documents  
24 on or about March 24, 2020 and Plaintiffs filed a motion for preliminary approval  
25 of the settlement on April 7, 2020.

26 7. WHEREAS, on April 27, 2020, and by the stipulation of the Parties,  
27 the Court continued Plaintiffs’ deadline to file their motion for class certification to  
28 July 27, 2020.

8. WHEREAS, on July 27, 2020, and by the stipulation of the Parties, the

1 Court further continued Plaintiffs' deadline to file a motion for class certification to  
2 October 26, 2020.

3 9. WHEREAS, on October 13, 2020, the Court granted Plaintiffs' Motion  
4 for Preliminary Approval (Dkt. No 60).

5 10. WHEREAS, the Class Notice has now been disseminated.

6 11. WHEREAS, the motion for class certification is currently set for  
7 February 2, 2021. The status conference to set further scheduling dates is continued  
8 from December 29, 2020 to March 30, 2021.

9 12. WHEREAS, Plaintiffs intend to file their Motion for Final Approval  
10 on March 29, 2021 to be heard on April 12, 2021.

11 13. WHEREAS, in light of preliminarily-approved, Settlement, the Parties  
12 request that the Court vacate the motion for class certification and status conference.

13 14. Counsel for Defendant Bar 20 Dairy, LLC and Plaintiff Jose Maciel  
14 have authorized the filing of this Stipulation with the use of his/her electronic  
15 signature hereon.

16 IT IS SO STIPULATED.

17 DATED: December 14, 2020

KINGSLEY & KINGSLEY, APC

19 By: /s/ Kelsey M. Szamet

20 Eric B. Kingsley

21 Kelsey M. Szamet

22 Attorneys for Plaintiff, Elvis Bonilla

23 DATED: December 14, 2020

THE SPIVAK LAW FIRM

25 By: /s/ David Spivak

26 David Spivak

27 Caroline Tahmassian

28 Attorneys for Plaintiff, Jose Maciel

1 DATED: December 14, 2020

SUTTON HAGUE LAW  
CORPORATION, P.C.

2  
3 By: /s/ Jared Hague

4 S. Brett Sutton  
5 Jared Hague  
6 Attorneys for Defendant, Bar 20 Dairy, LLC  
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8

9 **ORDER**

10 Pursuant to the Parties' above stipulation and Plaintiffs' intention to file their  
11 Motion for Final Approval on March 29, 2021, which shall be heard on April 12,  
12 2021, and for good cause shown,

13 The Court hereby VACATES the February 2, 2021, hearing date for the  
14 motion for class certification, which was due to be filed on October 26, 2020, and  
15 the status conference set for March 30, 2021.

16  
17 IT IS SO ORDERED.

18 Dated: December 14, 2020

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE