

1 Howard A. Sagaser, State Bar No. 72492  
Ian B. Wieland, State Bar No. 285721  
2 Christopher M. Rusca, State Bar No. 264608  
SAGASER, WATKINS & WIELAND, PC  
3 5260 North Palm Avenue, Suite 400  
Fresno, California 93704  
4 Telephone: (559) 421-7000  
Facsimile: (559) 473-1483

5 *Attorneys for Plaintiff and Counter Defendant*  
6 *JEFFREY COX*

7 James N. Nelson – SBN 116442  
Michelle L. DuCharme – SBN 285572  
8 GREENBERG TRAUIG, LLP  
1201 K Street, Suite 1100  
9 Sacramento, CA 95814-3938  
Telephone: (916) 442-1111  
10 Facsimile: (916) 448-1709  
nelsonj@gtlaw.com  
11 ducharmem@gtlaw.com

12 *Attorneys for Defendants*  
13 *ROADRUNNER INTERMODAL SERVICES, LLC*  
*and CENTRAL CAL TRANSPORTATION, LLC*

14  
15 **UNITED STATES DISTRICT COURT**  
16 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

17 JEFFREY COX,

18 Plaintiff,

19 v.

20 ROADRUNNER INTERMODAL SERVICES,  
LLC, a Delaware limited liability company,  
21 CENTRAL CAL TRANSPORTATION, LLC,  
a Delaware limited liability company, and  
22 DOES 1 through 50,

23 Defendants.

24 ROADRUNNER INTERMODAL SERVICES,  
25 LLC, a Delaware limited liability company,

26 Defendant and Counter-  
Plaintiff,

27 v.  
28

**Lead Case No. 1:17-cv-01056-DAD-BAM**  
**(consolidated)**

Member Case No. 1:17-cv-01207-DAD-BAM

**STIPULATION AND ORDER TO FILE**  
**AMENDED COMPLAINT**

*State Action Filed: July 25, 2017*  
*Removal Filed: September 7, 2017*

1 JEFFREY COX,

2 Plaintiff and Counter-  
3 Defendant.

4 ROADRUNNER INTERMODAL SERVICES,  
5 LLC, a Delaware limited liability company,

6 Plaintiff,

7 v.

8 T.G.S. TRANSPORTATION, INC., a  
9 California corporation, and DOES 1-10,

10 Defendants.

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

1 Plaintiff Jeffrey Cox (“Plaintiff”) and Defendants Roadrunner Intermodal Services, LLC,  
2 and Central Cal Transportation, LLC (“Defendants”) (collectively, “the Parties”), by and through  
3 their respective counsel, hereby stipulate and agree as follows:

4 WHEREAS, Plaintiff filed a separate lawsuit against Defendants, titled *Jeffrey Cox, et al.*  
5 *v. Roadrunner Intermodal Services, LLC, et al.*, Case No. BC669711, that is currently pending  
6 before the Superior Court of California, County of Los Angeles;

7 WHEREAS, Plaintiff has agreed to dismiss his Labor Code section 1102.5 retaliation cause  
8 of action against Defendants in his lawsuit that is currently pending before the Superior Court of  
9 California, County of Los Angeles in order to plead the same in this action and deal with all  
10 employment-related claims against Defendants in a single action;

11 WHEREAS, Plaintiff has indicated an intention to seek leave to file a First Amended  
12 Complaint to add a new claim here that would be the same as the claims of retaliation in violation  
13 of Labor Code section 1102.5 and the parties agree that if permitted to do so, the statute of  
14 limitations on the retaliation claim will be calculated based on the date the Los Angeles County  
15 Superior Court case referenced above was originally filed, February 16, 2017. See attached;

16 WHEREAS, Defendants have agreed that they will waive any and all claims for attorney  
17 fees and costs against David Chidester in the case titled *Jeffrey Cox, et al. v. Roadrunner*  
18 *Intermodal Services, LLC, et al.*, Case No. BC669711, that is currently pending before the  
19 Superior Court of California, County of Los Angeles;

20 WHEREAS, Federal Rule of Civil Procedure 15(a)(2) permits any party to file an amended  
21 pleading “with the opposing party’s written consent;”

22 ///  
23 ///  
24 ///  
25 ///  
26 ///  
27 ///  
28 ///

1           BASED ON THE FOREGOING, THE PARTIES STIPULATE AND AGREE AS FOLLOWS:

2           1.       Pursuant to Federal Rule of Civil Procedure 15(a)(2), Plaintiff may file and serve a First  
3 Amended Complaint following the Court’s approval of this Stipulation; and

4           2.       Within twenty-one (21) days after filing and service of Plaintiff’s First Amended  
5 Complaint, Defendants may file a response to the First Amended Complaint.

6 **IT IS SO STIPULATED.**

8 DATED: February 22, 2018

SAGASER, WATKINS & WIELAND PC

10 By: /s/ Ian B. Wieland (as authorized on February 22, 2018)  
11 Howard A. Sagaser  
12 Ian B. Wieland  
13 Christopher M. Rusca  
14 Attorneys for JEFFREY COX

14 DATED: February 22, 2018

GREENBERG TRAURIG, LLP

16 By: /s/ James M. Nelson  
17 James M. Nelson  
18 Michelle L. DuCharme  
19 Attorneys for ROADRUNNER INTERMODAL  
20 SERVICES, LLC and CENTRAL CAL  
21 TRANSPORTATION, LLC

20 ORDER

21 Pursuant to the parties’ stipulation, Plaintiff Jeffrey Cox may file and serve a First Amended  
22 Complaint. Within twenty-one (21) days after filing and service of Plaintiff’s First Amended Complaint,  
23 Defendants Roadrunner Intermodal Services, LLC, and Central Cal Transportation, LLC may file a  
24 response to the First Amended Complaint.

25 IT IS SO ORDERED.

26 Dated: February 27, 2018

/s/ Barbara A. McAuliffe  
27 UNITED STATES MAGISTRATE JUDGE

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28