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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

VICTOR RODRIGUEZ, et al.,

Plaintiffs,

v.

M.J. BROTHERS, INC., et al.,

Defendants.

Case No. 1:18-cv-00252-LJO-SAB

ORDER RE STIPULATION
CONCERNING DISCOVERY, STAY OF
THE ACTION, AND MEDIATION

ORDER CONTINUING SCHEDULING
CONFERENCE TO OCTOBER 11, 2018,
AT 10:00 A.M.

(ECF No. 9)

The parties to this action filed a Stipulation Concerning Discovery, Stay of the Action, and Mediation (“Stipulation”) May 8, 2018. (ECF No. 9.)

According to the Stipulation, the parties have scheduled a private mediation for September 18, 2018. To facilitate the mediation and to reduce legal expenses pending the mediation, the parties, subject to the terms and conditions of this Order, jointly move for an order requiring (1) an agreed-upon method for Defendants to produce documents and information to Plaintiffs’ counsel; and (2) a stay of all other litigation in this case, including but not limited to discovery.

Accordingly, IT IS HEREBY ORDERED that:

1. Subject to the conditions set forth in this Order, this matter is **STAYED** until **October 2, 2018**. The parties shall advise the Court as to the status of this matter

1 by filing a joint status report on or before **September 25, 2018**. If the matter is
2 resolved, the parties shall file a notice of settlement.

3 2. The joint scheduling conference set for May 15, 2018, is continued to **October**
4 **11, 2018, at 10:00 a.m. in Courtroom 9**. The parties shall file a joint report that
5 sets forth new dates at least seven days prior to the scheduling conference.
6 However, as the parties have already filed a scheduling report, the parties do not
7 need to include any other information besides the updated dates.

8 3. Subject to the terms and conditions of the Stipulation and this Order, Defendants
9 agree to provide to Plaintiffs' counsel, on or before June 15, 2018, complete,
10 legible, bates stamped copies of the following documents (with employee names
11 redacted, but including the last four digits of the employee's social security
12 number on all of the records, including time cards, through pay period ending on
13 May 18, 2018) and data, in electronic form wherever possible, and/or in hard copy
14 when requested, the following documents for each Putative Class Member, as
15 defined in Plaintiffs' Complaint:

- 16 a. All payroll records for each Putative Class Member;
- 17 b. All records of hours worked by each Putative Class Member; and
- 18 c. All employee handbooks and policies, of any kind or description, and all
19 draft versions thereof, in existence at any time within the past five (5)
20 years.

21 4. Nothing in this Order is intended to create, expand, limit or waive any of the
22 parties' rights, defenses or remedies at law or equity. The parties reserve all
23 rights available to them under the law, including all statutes and constitutions; and

24 5. The parties have agreed to request that the Court equitably toll the statute of
25 limitations for the first cause of action, failure to pay overtime wages pursuant to
26 the FLSA, 29 U.S.C. §§ 201 et seq., for any individual who opts into any
27 collective action approved by the Court after the mediation. If the mediation does
28 not resolve the case, the tolling request would equal the number of days from May

