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19 SOLUTIONS CORP. and CARGILL,
20 INCORPORATED

21 UNITED STATES DISTRICT COURT

22 EASTERN DISTRICT OF CALIFORNIA – FRESNO DIVISION

23 MARIBEL TAVARES, individually, and on
24 behalf of other members of the general public
25 similarly situated and on behalf of other
26 aggrieved employees pursuant to the California
27 Private Attorneys General Act,

28 Plaintiff,

v.

CARGILL INCORPORATED, an unknown
business entity; CARGILL MEAT SOLUTIONS
CORP, an unknown business entity; and DOES 1
through 100, inclusive,

Defendants.

) CASE NO.: 1:18-CV-00792-DAD-SKO

) **JOINT STIPULATION TO VACATE**
) **BRIEFING SCHEDULE PENDING**
) **MEDIATION; ORDER**

) (Doc. 43)

) Magistrate: Sheila K. Oberto
) Judge: Dale A. Drozd

) Complaint Filed: April 20, 2018

) Removed: June 8, 2018

) First Amended

) Complaint Filed: July 12, 2018

1 Plaintiff Maribel Tavares (“Plaintiff”) and Defendants Cargill Meat Solutions, Corp.
2 (“CMSC”) and Cargill, Inc. (“Cargill”) (collectively, the “Parties”), by and through their attorneys of
3 record in this case, stipulate and agree as follows:

4 WHEREAS, on October 22, 2019, the Court entered an order setting forth various deadlines
5 regarding Plaintiff’s Class Certification Briefing and related discovery.

6 WHEREAS, during October of 2019, the Parties also began to meet and confer regarding
7 potential mediation and resolution of this matter.

8 WHEREAS, on February 4, 2020, this Court issued a “Standing Order In Light Of Ongoing
9 Judicial Emergency in The Eastern District Of California” to advise litigants and their counsel of
10 several ongoing temporary procedures put in place to help ease the burdens created by the
11 unprecedented caseload of the six presiding California Eastern District Judges. These temporary
12 procedures created a substantial impact on the instant litigation, including discovery, law and motion
13 matters, and eventual trial. As recognized by the Court, “[t]he emergency procedures announced [...]”
14 are being implemented reluctantly. They are not, in the undersigned’s view, conducive to the fair
15 administration of justice. However, the court has been placed in an untenable position in which it
16 simply has no choice.”

17 WHEREAS, the novel COVID-19 virus, began to spread within the United States during this
18 same timeframe and has continued to have a substantial impact on litigation by adding extraordinary
19 burdens and safety concerns when preparing cases for trial.

20 WHEREAS, throughout these unprecedented developments, the Parties reached an
21 agreement to mediate the matter; however, a mutually agreeable mediator and mediation date had
22 not been selected at that time. The Parties also met and conferred regarding the impact of current
23 events upon the pending discovery and class certification briefing.

24 WHEREAS, on May 22, 2020, the Court continued all class certification and discovery
25 deadlines in light of the Parties reaching a joint agreement to attend private mediation, setting a new
26 schedule.

27 WHEREAS, the Parties were unable to complete mediation within the timeline originally
28 planned due to various complications including the separation of Counsel Tina A. Syring-Petrocchi

1 from Cozen O'Connor, the primary attorney who had been handling mediation meet and confer
2 efforts on behalf of Defendants, and various scheduling and logistical difficulties arising from the
3 COVID-19 pandemic.

4 WHEREAS, the Parties have resumed their meet and confer efforts and were able to secure a
5 mediation date with esteemed mediator Hon. Carl West (Ret.), on July 26, 2021. The Parties have
6 confirmed that this is the earliest mediation date available that is available and feasible for all Parties
7 involved.

8 WHEREAS, the Parties recognize that, if a settlement is eventually reached, it would have a
9 substantial positive impact on this Court's caseload, and would serve to avoid the multitude of
10 contemplated burdens faced by both Parties in preparing this putative class action, encompassing
11 several thousand employees, for trial in the midst of a pandemic.

12 WHEREAS, upon Court approval, the Parties have reached a joint agreement to vacate the
13 currently set scheduling Order (Dkt. No. 42) and to set a joint scheduling conference approximately
14 one-month following the pending mediation session (i.e. August 26, 2021, or as soon after as
15 convenient for the Court) in order to allow for post-mediation negotiations if necessary.

16 WHEREAS, if mediation is successful, the Parties will submit a proposed briefing schedule
17 for the settlement approval and notice process. If mediation is unsuccessful, the Parties will submit a
18 newly proposed briefing schedule re-setting discovery and class certification deadlines to allow
19 further time for the Parties to conduct formal discovery and prepare their respective briefing re Class
20 Certification.

21 **IT IS HEREBY STIPULATED**, pending this Court's approval, that the currently set
22 scheduling Order (Dkt. No. 42) shall be vacated, and a joint scheduling conference shall be set
23 August 26, 2021 (one-month post-mediation), or as soon after as may be convenient for the Court.

24
25
26 *(signatures on next page)*
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28

1 Dated: February 17, 2021

COZEN O'CONNOR

2 By: /s/ Jason Barsanti

3 Jason Barsanti
4 Attorneys for Defendants
5 Cargill Meat Solutions Corporation
6 Cargill, Incorporated

7 Dated: February 17, 2021

MARLIN & SALTZMAN

8 By: /s/ Cody R. Kennedy

9 Stanley D. Saltzman
10 Cody R. Kennedy
11 Attorneys for Plaintiffs

12
13 **Signature Certification**

14 Pursuant to Civil L.R. 5-1(i), I hereby certify that the content of this document is acceptable to
15 Jason Barsanti, Esq., counsel for Defendants, and that I have obtained Mr. Barsanti's authorization to
16 affix his signature to this document.

17 Respectfully submitted,

18 Dated: February 17, 2021

19 /s/ Cody R. Kennedy

20 Cody R. Kennedy

1 **ORDER**

2 Upon review of the parties' above stipulation (Doc. 43), and good cause appearing, it is
3 hereby ORDERED as follows:

- 4 1. The Scheduling Order (Doc. 42) is VACATED; and
5 2. The status conference to set further scheduling dates, currently set for September 2,
6 2021, is ADVANCED to August 26, 2021, at 9:30 a.m. in Courtroom 7 before
7 Magistrate Judge Oberto. Telephonic appearances are approved; all parties appearing
8 telephonically shall call (888) 557-8511, access code 6208204# at the date and time for
9 the conference. By no later than August 19, 2021, the parties shall file and email to
10 skoorders@caed.uscourts.gov in MS Word format a report providing (a) a proposed
11 schedule for class certification motion briefing and (b) an updated status of the case.

12 IT IS SO ORDERED.

13 Dated: **February 18, 2021**

14 */s/ Sheila K. Oberto*
15 UNITED STATES MAGISTRATE JUDGE