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10 on behalf of himself and all others similarly situated

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19 LEPRINO FOODS DAIRY PRODUCTS COMPANY

20 UNITED STATES DISTRICT COURT
21 EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION

22 STEVEN D. BOWLES on behalf of himself
23 and all others similarly situated,

24 Plaintiff,

25 vs.

26 LEPRINO FOODS COMPANY, a Colorado
27 corporation, LEPRINO FOODS DAIRY
28 PRODUCTS COMPANY, a Colorado
corporation and DOES 1 through 50, inclusive,

Defendants.

Case No. 1:19-cv-00635-AWI-BAM

**STIPULATION TO REQUEST
CONTINUANCE OF MANDATORY
SCHEDULING CONFERENCE AND
ORDER**

Courtroom: 8

Magistrate Judge: Hon. Barbara A. McAuliffe

1 Plaintiff Steven D. Bowles (“Plaintiff”) and Defendants Leprino Foods Company and Leprino
2 Foods Dairy Products Company (collectively “Defendants”), by and through their respective counsel
3 of record, hereby respectfully submit this stipulation to request continuance of the initial scheduling
4 conference, currently calendared for October 16, 2019, to November 13, 2019. This stipulation is
5 based on the following:

6 1. On February 26, 2019, Plaintiff filed this wage and hour class action lawsuit on behalf
7 of himself and all current and former employees of Defendants. Plaintiff’s Complaint was filed in
8 King County Superior Court, and the action was removed to this Court on May 9, 2019.

9 2. Defendants are parties to several first-filed, pending class actions involving the same or
10 similar wage and hour claims asserted in this action, including: *Finder v. Leprino Foods Co., et al.*
11 (*"Finder"*), *Talavera v. Leprino Foods Co., et al.* (*"Talavera"*), *Perez v. Leprino Foods Co., et al.*
12 (*"Perez"*), *Vazquez v. Leprino Foods Co., et al.* (*"Vazquez"*), *Howell v. Leprino Foods Co., et al.*
13 (*"Howell"*), and *Null v. Leprino Foods Co., et al.* (*"Null"*).

14 3. On June 27, 2019, Defendants filed a Motion for Judgment on the Pleadings to
15 request that the Court dismiss or stay this action based on the previously filed class actions. The
16 hearing was set for July 29, 2019 at 1:30 p.m. before Judge Anthony W. Ishii. Thereafter, by
17 stipulation of the parties, the hearing on Defendants’ Motion for Judgment on the Pleadings was
18 continued to September 16, 2019.

19 4. On August 12, 2019, the parties agreed to and filed a Stipulation and Joint Motion to
20 Stay Action Pending Resolution of the First-Filed Class Actions and to withdraw Defendants’
21 Motion for Judgment on the Pleadings. On September 11, 2019, Judge Ishii issued an order denying
22 the parties' request to stay this lawsuit, without prejudice.

23 5. In light of the foregoing, the parties are considering how to proceed with this
24 litigation, including, but not limited to, possibly seeking to consolidate this action with one or more
25 of the related cases. As such, the parties need additional time before they can effectively address the
26 subjects required by Rule 26(f), the local rules, and this Court's Order Setting Mandatory Scheduling
27 Conference.

28 For the foregoing reasons and in order to preserve judicial economy, the parties stipulate to

1 continue the October 16, 2019 Initial Scheduling Conference to November 13, 2019.

2
3 **IT IS SO STIPULATED.**
4

5
6 Dated: October 9, 2019

7 JAMES HAWKINS APLC

8
9 By: /s/ Isandra Y. Fernandez
10 Isandra Y. Fernandez

11 Attorneys for Plaintiff, STEVEN D. BOWLES
12 on behalf of himself and all others similarly situated
13

14
15 Dated: October 9, 2019

16 HANSON BRIDGETT LLP

17
18 By: /s/ Lisa M. Pooley
19 Lisa M. Pooley

20 Attorneys for Defendants LEPRINO FOODS
21 COMPANY and LEPRINO FOODS DAIRY
22 PRODUCTS COMPANY
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1 CERTIFICATE OF SERVICE

2 I hereby certify that on October 9, 2019 I electronically filed the
3 foregoing with the Clerk of the Court for the U.S. District Court, for the Eastern
4 District of California using the CM/ECF system. All participants are registered
5 CM/ECF users, and will be served by the CM/ECF system.

6
7 Dated: October 9, 2019

/s/ Isandra Y. Fernandez
Isandra Y. Fernandez

1 **ORDER**

2 Pursuant to the stipulation of the Parties, and for good cause shown, the Initial Scheduling
3 Conference currently set for October 16, 2019, is HEREBY CONTINUED to **November 13, 2019 at**
4 **9:30 AM in Courtroom 8 (BAM)** before the undersigned. A joint scheduling report shall be filed,
5 and a copy shall be emailed, in Word format, to bamorders@caed.uscourts.gov, one week prior to the
6 scheduling conference. The parties may appear at the conference by telephone with each party using
7 the following dial-in number and access code: **dial-in 1-877-411-9748; access code 3190866.**

8 IT IS SO ORDERED.

9
10 Dated: **October 10, 2019**

/s/ *Barbara A. McAuliffe*
11 UNITED STATES MAGISTRATE JUDGE