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12 Trius Trucking, Inc., a California Corporation

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14 **UNITED STATES DISTRICT COURT**
15 **EASTERN DISTRICT OF CALIFORNIA**
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17 AUGUSTUS MONDRIAN, and RHONDA
18 JONES, individuals, on behalf of themselves,
and on behalf of all persons similarly situated,

19 Plaintiffs,

20 vs.

21 TRIUS TRUCKING, INC., a California
22 Corporation; and Does 1 through 50, Inclusive,

23 Defendants.
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Case No. 1:19-CV-00884-DAD-SKO

**JOINT STIPULATION AND ORDER TO
SET MOTION FOR PRELIMINARY
APPROVAL BRIEFING SCHEDULE AND
HEARING DATE**

Complaint Filed: May 10, 2016
1st Amended Complaint Filed: January 05, 2017
2nd Amended Complaint Filed: March 27, 2017
3rd Amended Complaint Filed: May 29, 2019

(Doc. 16)

1 Plaintiffs AUGUSTUS MONDRIAN and RHONDA JONES, individuals, on
2 behalf of themselves, and on behalf of all persons similarly situated (“Plaintiffs”), and Defendant
3 TRIUS TRUCKING, INC. (“Defendant”) hereby submit this Joint Stipulation and [Proposed]
4 Order to set the Motion for Preliminary Approval briefing schedule and hearing date.

5 WHEREAS, on June 27, 2019, Defendant filed a Notice of Removal of Civil
6 Action to Federal Court pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, in the United States
7 District Court for the Eastern District of California (Dkt. 1);

8 WHEREAS, the parties’ first appearance before the Court was initially set for
9 October 29, 2019 (Dkt. 4);

10 WHEREAS, on October 21, 2019, the parties notified the Court that they reached
11 a class-wide settlement of this matter and were finalizing the terms of a long-form settlement
12 agreement, after which Plaintiffs intended to file a motion for preliminary approval of class action
13 settlement (Dkt. 7);

14 WHEREAS, the parties required more time than initially anticipated to finalize the
15 terms of the long-form settlement agreement (*cf.* Dkt. 7);

16 WHEREAS, the parties circulated a final long-form settlement agreement for
17 review and signature, and initially anticipated the filing of a motion for preliminary approval of
18 class settlement within 60 days of January 21, 2020 (*cf.* Dkt. 10).

19 WHEREAS, the parties required more time than initially anticipated to review the
20 long-form settlement agreement and prepare the Motion for Preliminary Approval, particularly in
21 light of the challenges posed by the ongoing COVID-19 public health crisis;

22 WHEREAS, the parties have met and conferred further regarding the status of this
23 action, next steps concerning review of the Motion for Preliminary Approval; and,

24 WHEREAS, the parties anticipate that Plaintiffs will file the Motion for
25 Preliminary Approval by November, 2020 and respectfully request a hearing date regarding the
26 Motion for Preliminary Approval be set for December, 2020, or a date thereafter as is convenient
27 for the Court.

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1 NOW, THEREFORE, and subject to the Court's approval, the parties stipulate and
2 agree to set the deadline to file the Motion for Preliminary Approval for November 13, 2020 and
3 to set the hearing date regarding the Motion for Preliminary Approval for December 11, 2020, or
4 a date thereafter convenient for the Court.

5 Dated: September 9, 2020

BLUMENTHAL NORDREHAUG BHOWMIK DE
BLOUW LLP

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7 By: /s/Victoria B. Rivapalacio
8 Norman B. Blumenthal
9 Kyle R. Nordrehaug
10 Aparajit Bhowmik
Victoria B. Rivapalacio
Attorneys for Plaintiffs and the Class

11 Dated: September 9, 2020

LITTLER MENDELSON, P.C.

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13 By: /s/Vanessa M. Cohn
14 Matthew E. Farmer
15 Irene V. Fitzgerald
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Attorneys for Defendant

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1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF CALIFORNIA

3 AUGUSTUS MONDRIAN, and
4 RHONDA JONES, individuals, on behalf
5 of themselves, and on behalf of all persons
6 similarly situated,

7 Plaintiffs,

8 vs.

9 TRIUS TRUCKING, INC., a California
10 Corporation; and Does 1 through 50,
11 Inclusive,

12 Defendants.

Case No. 1:19-CV-00884-DAD-SKO

**ORDER SETTING THE HEARING DATE
REGARDING PLAINTIFFS' MOTION FOR
PRELIMINARY APPROVAL AND
VACATING SCHEDULING CONFERENCE**

Complaint Filed: May 10, 2016
1st Amended Complaint Filed: January 05, 2017
2nd Amended Complaint Filed: March 27, 2017
3rd Amended Complaint Filed: May 29, 2019

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14 Based on the above stipulation of the parties (Doc. 16), by and through their counsel of
15 record, and good cause appearing therefore, IT IS HEREBY ORDERED that the parties' Motion
16 for Preliminary Approval of class action settlement **SHALL be filed no later than November**
17 **13, 2020, and SHALL be heard no later than December 16, 2020.**

18 It is further ORDERED that the Scheduling Conference set for September 17, 2020, is
19 hereby VACATED in light of the settlement.

20 IT IS SO ORDERED.

21 Dated: September 11, 2020

22 /s/ Sheila K. Oberto
23 UNITED STATES MAGISTRATE JUDGE