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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

CECIL JOHNSTON, individually and for  
all others similarly situated,  
  
  Plaintiff,  
  
  v.  
  
MACPHERSON OIL COMPANY LLC.  
  
  Defendant.

Case No. 1:23-cv-01023-JLT-CDB  
  
**ORDER ON STIPULATION STAYING  
ACTION AND ALL DATES PENDING  
RESOLUTION OF RELATED LAWSUIT**  
  
**ORDER REQUIRING PARTIES TO FILE  
A JOINT REPORT**  
  
(Doc. 23)

On July 7, 2023, Plaintiff Cecil Johnston initiated this action with the filing of a complaint on behalf of himself and a putative class against Defendant Macpherson Oil Company LLC for various alleged violations of the California Labor Code and applicable Industrial Welfare Commission Wage Orders. (Doc. 1). The operative class certification scheduling order setting case management dates was entered December 6, 2023. (Doc. 18). On May 2, 2024, Plaintiff filed a notice of intent not to pursue class certification but reserves his right to pursue his claims under the Fair Labor Standard Act as a putative collective action. (Doc. 21).

Pending before the Court is the parties’ stipulated request to stay the case pending completion of a parallel proceeding. (Doc. 23). The parties represent that, on January 29, 2024, Plaintiff filed a complaint against a certain “Driltek” in Kern County Superior Court asserting

1 claims for: (1) failure to pay overtime; (2) failure to authorize and permit and/or make available  
2 rest and meal periods; (3) failure to provide timely and accurate wage statements; (4) waiting time  
3 penalties; (5) failure to provide employee records; and (6) unlawful business practices (hereinafter,  
4 the "Driltek matter"). The parties further represent that a stay is appropriate because there is a risk  
5 that this Court and the Kern County Superior Court will issue inconsistent rulings, issues  
6 concerning California law predominate in both suits (which raise comity concerns favoring a stay),  
7 and that the identical claims would produce judicial inefficiencies in the two separate forums. (Doc.  
8 22 ¶5).

9 Based on the parties' representations in the stipulation and for good cause shown therein,  
10 IT IS HEREBY ORDERED that:

- 11 1. All case management dates and matters related thereto are hereby STAYED pending  
12 resolution of the Driltek matter.
- 13 2. The parties shall file a joint report informing the Court of the status of the "Driltek"  
14 matter every **180 days** from the date of issuance of this issuance of this order; and
- 15 3. Within **14 days** of the resolution of the Driltek matter, the parties shall file a joint  
16 notice informing the Court the Driltek matter has been resolved and describing the  
17 parties' intentions with respect to the disposition or continued pursuit of this case.

18 IT IS SO ORDERED.

19 Dated: May 13, 2024

20   
21 UNITED STATES MAGISTRATE JUDGE