

1 MAUREEN E. MCCLAIN, Bar No. 062050
 Email: mmcclain@littler.com
 2 LINDBERGH PORTER, Bar No. 100091
 Email: lporter@littler.com
 3 CONSTANCE E. NORTON, Bar No. 146365
 Email: cnorton@littler.com
 4 ALISON CUBRE, Bar No. 257834
 acubre@littler.com
 5 LITTLER MENDELSON, P.C.
 650 California Street, 20th Floor
 6 San Francisco, CA 94108.2693
 Telephone: 415.433.1940
 7 Facsimile: 415.399.8490

8 Attorneys for Defendant
 DOLLAR TREE STORES, INC.

9 JEFFREY D. FULTON, Bar No. 206466
 Email: jfulton@jfultonLaw.com
 10 NATALYA GRUNWALD, Bar No. 265084
 Email: ngrunwald@jfultonlaw.com
 11 LAW OFFICE OF JEFFREY D. FULTON
 2150 River Plaza Drive, Suite 260
 12 Sacramento, California 95833
 Telephone: (916) 993-4900
 13 Facsimile: (916) 441-5575

14 Attorney for Plaintiff
 DAVID TROWBRIDGE

16 UNITED STATES DISTRICT COURT
 17 EASTERN DISTRICT OF CALIFORNIA

19 DAVID TROWBRIDGE,
 20 Plaintiff,

21 v.

22 DOLLAR TREE STORES, INC., and
 23 DOES 1 through 100, inclusive,
 24 Defendants.

Case No. 2:12-CV-00704 MCE AC

**STIPULATION AND ORDER TO SET
 SETTLEMENT CONFERENCE BEFORE
 MAGISTRATE JUDGE NEWMAN**

Complaint Filed: December 8, 2011
 Trial Date: March 25, 2014

1 **TO THE HONORABLE COURT AND THE CLERK OF THE COURT:**

2 Plaintiff David Trowbridge (“Plaintiff”) and Defendant Dollar Tree Stores, Inc.
3 (“Dollar Tree”), by and through their respective counsel of record, hereby stipulate and request that
4 the Court enter an Order as follows:

5 **WHEREAS**, Plaintiff filed a Complaint on December 8, 2011, as *Plaintiffs Thomas*
6 *Allen, Sean Guilfoyle, David Trowbridge, and Paul Chapman v. Defendants Dollar Tree Stores, Inc.,*
7 *and Does 1 through 100, inclusive*, before the Superior Court of the County of Sacramento, Case
8 Number 34-2011-00115269;

9 **WHEREAS**, Dollar Tree removed Plaintiffs’ Complaint on January 13, 2012, to the
10 United States District Court for the Eastern District of California, Case Number 2:12-CV-00121-
11 GEB-CKD, and on February 3, 2012 moved to sever the cases of Thomas Allen, Sean Guilfoyle, and
12 David Trowbridge, while remanding the case of Paul Chapman;

13 **WHEREAS** the Court granted Dollar Tree’s motion to sever on March 20, 2012, and
14 the Court designated the actions in pertinent part as *Sean Guilfoyle v. Dollar Tree Stores, Inc.*, Case
15 No. 2:12-CV-00703 GEB CKD and *David Trowbridge v. Dollar Tree Stores, Inc.*, Case No. 2:12-
16 CV-00704 MCE AC. Both Plaintiffs in the *Guilfoyle* and *Trowbridge* actions are represented by the
17 same attorney, Law Office of Jeffrey D. Fulton;

18 **WHEREAS**, both the *Chapman* and *Allen* actions have been dismissed with
19 prejudice;

20 **WHEREAS**, on November 27, 2013, Dollar Tree shall file a Motion for Summary
21 Judgment in this action, with a hearing date of January 23, 2014 at 9:00 a.m.;

22 **WHEREAS**, the parties conferred and agreed to engage in settlement discussions
23 before further motion practice and pre-trial preparation, and further agreed that for expediency and
24 cost efficiencies the *Guilfoyle* and *Trowbridge* actions could be mediated at the same conference;

25 **WHEREAS**, the parties further agreed to request Magistrate Judge J. Kendall
26 Newman as a settlement judge, and attempted to coordinate a date for settlement conference on
27 December 16 or 17, 2013, to correspond with the Pre-Trial Conference in the *Guilfoyle* action;
28 however, Magistrate Judge Newman was unavailable on those dates;

1 **WHEREAS**, Plaintiffs are not available for a settlement conference the weeks of
2 January 20 or 27, 2014, but all parties and party representatives, their counsel and Magistrate Judge
3 Newman are available for a settlement conference on January 14, 2014;

4 In light of the foregoing, the parties respectfully request that the Court issue an Order
5 granting their request to schedule a Settlement Conference before Magistrate Judge J. Kendall
6 Newman on January 14, 2014 at 9:00 a.m.

7 **IT IS SO STIPULATED.**

8 Dated: November 21, 2013

Respectfully submitted,

9
10 /s/ Jeffrey D. Fulton (as authorized on 11/21/2013)

11 JEFFREY D. FULTON
12 NATALYA GRUNWALD
13 LAW OFFICE OF JEFFREY D. FULTON

Attorneys for Plaintiff
DAVID TROWBRIDGE

14 Dated: November 21, 2013

Respectfully submitted,


15
16 /s/ Lindbergh Porter

17 MAUREEN E. MCCLAIN
18 LINDBERGH PORTER
19 CONSTANCE E. NORTON
20 OSWALD B. COUSINS
21 LITTLER MENDELSON
A Professional Corporation

Attorneys for Defendant
DOLLAR TREE STORES, INC.

22 **IT IS SO ORDERED.**

23 Dated: November 26, 2013

24
25 
26 _____
MORRISON C. ENGLAND, JR., CHIEF JUDGE
UNITED STATES DISTRICT COURT