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13 UNITED STATES DISTRICT COURT
14 EASTERN DISTRICT OF CALIFORNIA
15 SACRAMENTO

16 DANIEL VASQUEZ, on his own behalf
and on behalf of a class of similarly
17 situated persons pursuant to F.R.C.P. 23
and 23 U.S.C. § 216, and on behalf of the
18 General Public,

19 Plaintiffs,

20 vs.

21 PANELLA TRUCKING, L.L.C., a
California limited liability corporation,

22 Defendant.
23

Case No.: 2:09-CV-02849 JAM [KJM]

**STIPULATION AND ORDER RE
EXTENSION OF CLASS BRIEFING
SCHEDULE**

Judge: Hon. John A. Mendez
Courtroom: 6, 14th Floor
Complaint Filed: October 13, 2009
Trial Date: No date set

1 THIS STIPULATION AND PROPOSED ORDER REGARDING CLASS BRIEFING
2 SCHEDULE is made by and entered into between Plaintiff Daniel Vasquez (“Plaintiff”) and
3 Defendant Panella Trucking, LLC (“Defendant”).

4 WHEREAS, the parties have previously agreed to explore the possibility of settlement in this
5 case;

6 WHEREAS, on July 30, 2010, the Court amended its May 7, 2010 Minute Order (Docket
7 No. 24) to require that Plaintiff file a Motion for Certification on or before December 29, 2010 and
8 to notice the Motion for hearing on January 26, 2011 at 9:30 a.m. (Docket No. 27);

9 WHEREAS, these settlement discussions have initially resulted in narrowing the case to the
10 applicable relevant putative class and former named Plaintiff Wayne Cuthill dismissing his claims;

11 WHEREAS, in furtherance of the parties’ settlement discussions, Defendant has produced
12 documents related to Panella Trucking drivers similarly situated to Daniel Vasquez on
13 September 30, 2010 to Plaintiff and his counsel for the purpose of evaluating the putative class’
14 claims;

15 WHEREAS, Defendant continues to supplement the information already provided to Plaintiff
16 and his counsel so that the parties can engage in continued, meaningful, and comprehensive
17 settlement negotiations;

18 WHEREAS, Plaintiff and Defendant have been engaging in and continue to engage in
19 settlement discussions;

20 WHEREAS, Plaintiff and Defendant believe that it be prudent to save the parties’ and the
21 Court’s resources and time by extending the deadlines set in the July 30, 2010 Minute Order (Docket
22 No. 27), so that the parties may fully and adequately explore the possibility of settlement in this case
23 with a complete and accurate record;

24 WHEREAS, the parties have conferred and believe that an approximate 3 month extension of
25 the above dates as set forth in July 30, 2010 Minute Order (Docket No. 27) is reasonable and
26 necessary to provide the parties with adequate time to engage in meaningful settlement discussions
27 and to determine if settlement of the matter is possible;

28 WHEREFORE, IT IS NOW HEREBY STIPULATED AND AGREED that:

STIPULATION AND [PROPOSED] ORDER
RE EXTENSION OF CLASS BRIEFING
TIME

- 1 1. Any motion for class certification by Plaintiffs be filed by **April 6, 2011**;
- 2 2. Any corresponding Opposition and Reply briefs be filed in accordance Local Rule
- 3 230;
- 4 3. The hearing on any motion for class certification filed by Plaintiffs shall be heard on
- 5 **May 4, 2011 at 9:30 a.m.**; and
- 6 4. This Stipulation and Order is subject to revocation and modification by order of the
- 7 Court, upon written stipulation of the parties, or upon motion and reasonable notice.

8 **IT IS SO STIPULATED:**

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10 DATED: November 23, 2010

Littler Mendelson, P.C.

11

12 BY /s/ Michelle R. Barrett
MICHELLE R. BARRETT

13 Attorneys for Defendant
14 PANELLA TRUCKING, LLC

15 DATED: November 23, 2010

Teeple Hall, LLP

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17 BY /s/ Jason N. Black
JASON N. BLACK

18 Attorneys for Plaintiffs

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21 **IT IS SO ORDERED AS MODIFIED BY THE COURT:**

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23 DATED: November 23, 2010

/s/ John A. Mendez
THE HONORABLE JOHN A. MENDEZ
U.S. DISTRICT COURT JUDGE

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ATTESTATION OF CONCURRENCE

I hereby attest that concurrence in the filing of this document has been obtained from each of the signatories. I declare under penalty of perjury under the laws of the United States of America that the foregoing declaration is true and correct to the best of my personal knowledge.

Executed this 23rd day of November 2010, in San Francisco, California.

BY */s/ Michelle R. Barrett*
MICHELLE R. BARRETT

Attorneys for Defendant
PANELLA TRUCKING, LLC