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

15
 16 DANIEL VASQUEZ and WAYNE
 CUTHILL, on their own behalf and on
 17 behalf of a class of similarly situated
 persons pursuant to F.R.C.P. 23 and 23
 18 U.S.C. § 216, and on behalf of the
 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]

**JOINT STIPULATION AND ORDER RE
 REVISED CLASS CERTIFICATION
 BRIEFING AND/OR PRELIMINARY AND
 FINAL SETTLEMENT APPROVAL
 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 REVISED CLASS CERTIFICATION BRIEFING
2 AND/OR PRELIMINARY AND FINAL SETTLEMENT APPROVAL SCHEDULE ORDER is
3 made by and entered into between Plaintiffs Daniel Vasquez (“Plaintiff”) and Defendant Panella
4 Trucking, LLC (“Defendant”).

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

7 WHEREAS, the parties have engaged in extensive settlement discussions and negotiations
8 and have agreed in principal as to the elements of a settlement between the parties;

9 WHEREAS, counsel for the parties are currently finalizing the written settlement agreement
10 and are awaiting final signatures on the settlement agreement;

11 WHEREAS, the parties have agreed that it is necessary to preserve Plaintiff’s and the
12 putative class’ right to seek certification from the Court in this matter should the parties’ agreement
13 to settle this matter fail or be rejected in whole or in part by this Court; and

14 WHEREAS, the parties have conferred and believe that an extension of the deadlines set
15 forth in the Court’s November 23, 2010 Order re Extension of Class Briefing Schedule (Docket No.
16 33) is reasonable and necessary to provide the parties with adequate time either: (a) to obtain both
17 preliminary and final approval of the parties’ agreed upon settlement or (b) to determine that the
18 parties’ settlement has been rejected in whole or in part by this Court and for Plaintiffs to then seek
19 class certification of the matter;

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

21 1. The parties shall file jointly their request for the Court’s preliminary approval of the
22 parties’ settlement by no later than April 20, 2011;

23 2. Any preliminary settlement approval hearing deemed necessary by the Court shall occur
24 on May 18, 2011 at 9:30 a.m.;

25 3. Any final settlement approval hearing shall occur by August 17, 2011 at 9:30 a.m.; and

26 4. Should the parties’ request for preliminary or final approval of the parties’ settlement in
27 this case be rejected, the Court will set deadlines for class certification briefing at least four (4)
28 months after the entry of any order denying the parties’ request for approval of the settlement

1 reached between the parties.

2 5. This Stipulation and Order is subject to revocation and modification by order of the
3 Court, upon written stipulation of the parties, or upon motion and reasonable notice.

4 **IT IS SO STIPULATED:**

5
6 DATED: April 6, 2011

Littler Mendelson, P.C.

7
8 BY /s/ Michelle R. Barrett
MICHELLE R. BARRETT

9 Attorneys for Defendant
10 PANELLA TRUCKING, LLC

11 DATED: April 6, 2011

Teeple Hall, LLP

12
13 BY /s/ Jason N. Black
JASON N. BLACK

14 Attorneys for Plaintiffs

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16 **IT IS SO ORDERED.**

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18
19 DATED: April 6, 2011

/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 6th day of April, 2011 in San Francisco, California.

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

Attorneys for Defendant
PANELLA TRUCKING, LLC