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22 Attorneys for Defendant
23 TRINITY PROTECTION SERVICES, INC.

24 **UNITED STATES DISTRICT COURT**
25 **EASTERN DISTRICT OF CALIFORNIA**
26 **SACRAMENTO DIVISION**

27 MICHAEL P. LESSARD and ROBERT L.
28 REAGAN for themselves and on behalf of all
other similarly situated employees,

Plaintiffs,

v.

TRINITY PROTECTION SERVICES, INC. a
Maryland corporation and DOES 1 through
50, inclusive

Defendants.

Case No. CV-10-1262-MCE-KJN

**JOINT STIPULATION AND
[PROPOSED] ORDER CONTINUING
HEARING DATE ON PLAINTIFFS'
MOTIONS TO COMPEL**

1 IT IS HEREBY STIPULATED by and between Plaintiffs Michael P. Lessard and Robert L.
2 Reagan (“Plaintiffs”) and Defendant Trinity Protection Services, Inc. (“Defendant”) (collectively,
3 the “Parties”), by and through their respective counsel of record, as follows:

4 WHEREAS, Plaintiffs filed their Motion to Compel Answers to Interrogatories and Request
5 for Production of Documents to Which Defendant Did Not Respond (“First Motion to Compel”) on
6 February 10, 2011 and originally set the hearing date for March 10, 2011;

7 WHEREAS, the Court reset the hearing date to March 31, 2011 based on its unavailability
8 on March 10, 2011;

9 WHEREAS, Plaintiffs filed their Motion to Compel Sufficiency of Answers and Objections
10 to Request for Admissions, Set One (“Second Motion to Compel”) on March 10, 2011 to be heard
11 on March 31, 2011, the date reset for hearing on the First Motion to Compel (the First Motion to
12 Compel and the Second Motion to Compel are hereinafter referred to as the “Motions to Compel”);

13 WHEREAS, the undersigned counsel for Defendant were substituted as counsel on March
14 11, 2011 and filed respective notices of appearance on March 15, 2011;

15 WHEREAS, on March 17, 2011 the Court granted Defendant’s *Ex Parte* Application to
16 Continue the March 31, 2011 Hearing on Plaintiffs’ Motions to Compel and continued the hearing
17 date thereon to April 14, 2011;

18 WHEREAS, on March 29, 2011 the Parties participated in a settlement conference presided
19 over by Magistrate Judge Kendall J. Newman;

20 WHEREAS, in the course of the settlement conference counsel for Defendant first learned
21 of a related pending class action filed by Plaintiffs in the Superior Court of the State of California,
22 County of Alameda and removed to the United States District Court for the Northern District of
23 California;

24 WHEREAS, the Parties need to explore whether the related cases should be consolidated
25 and/or transferred to this district;

26 WHEREAS, the Parties wish to engage in further settlement discussions, including the
27 possibility of a global settlement encompassing the instant case and the related case pending in the
28 Northern District;

1 WHEREAS, the Parties have concurrently submitted to District Judge Morrison C.
2 England, Jr. a joint stipulation and proposed order to continue the trial date and all related dates by
3 sixty (60) days;

4 WHEREAS, the Parties agree that the continuance requested herein is contingent upon
5 Judge England signing the above-mentioned stipulation and proposed order to continue the trail
6 date and all related dates; and

7 WHEREAS, in light of the aforementioned, the Parties agree that the hearing on Plaintiffs'
8 Motions to Compel should be continued for sixty (60) days, but in no event for a greater period of
9 time than Judge England extends the present June 9, 2011 non-expert discovery deadline, in order
10 to allow the Parties the opportunity to address the consolidation issue and to make a good faith
11 effort to settle the claims while reducing cost and expenditure of judicial resources.

12 **THEREFORE, IT IS HEREBY STIPULATED** by and between Plaintiffs and
13 Defendant, through their respective counsel, as follows:

14 1 Subject to Judge Morrison having continued the trial date and all related dates by at
15 least sixty (60) days, the hearing on the Motions to Compel will be continued to June 13, 2011 at
16 10:00 a.m. in Department 25, or to a date thereafter more convenient to the Court, but in no event
17 to a date that is for a greater period of time than Judge England's extension of the present June 9,
18 2011 non-expert discovery deadline.

19 2. The applicable deadline for submitting the Joint Statement re Discovery
20 Disagreement pursuant to Local Rule 251 shall be continued accordingly.

21 DATED: April 1, 2011

OGLETREE, DEAKINS, NASH, SMOAK &
STEWART, P.C.

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By: /s/ Danielle Ochs-Tillotson
Danielle Ochs-Tillotson
Carolyn B. Hall
Attorneys for Defendant Trinity Protection
Services, Inc.

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26 DATED: April 1, 2011

BACKSTROM & HEINRICHS

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By: /s/ S. Ward Heinrichs
S. Ward Heinrichs
Attorneys for Plaintiffs Michael P. Lessard
and Robert L. Reagan

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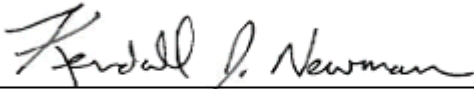
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ORDER

Based on the foregoing Stipulation of the Parties, and good cause appearing, IT IS
HEREBY ORDERED that:

1. The hearing on Plaintiffs’ Motions to Compel presently set for April 21, 2011 (Dkt. Nos. 35, 58), is continued to Thursday, June 16, 2011, at 10:00 a.m., in Courtroom 25.¹
2. The applicable deadline for submitting the Joint Statement re Discovery Disagreement pursuant to Local Rule 251 is continued accordingly.

DATED: April 8, 2011


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

¹ On April 7, 2011, United States District Judge Morrison C. England, Jr. approved the parties’ stipulation and continued the trial date in this case until July 2, 2012. (Order, Apr. 7, 2011, Dkt. No. 85.) That order states that “[r]elated deadlines will be calculated with reference to the new trial date and a comprehensive Amended Pretrial Scheduling Order will be forthcoming accordingly.” (Id.)