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6 Attorneys for defendant

7  
 8 UNITED STATES DISTRICT COURT  
 9 EASTERN DISTRICT OF CALIFORNIA

10 SANDY BELL and MARTIN GAMA,  
 11 individually, and on behalf of other  
 12 members of the general public  
 similarly situated, and as aggrieved  
 13 employees pursuant to the Private  
 Attorneys General Act (“PAGA”),

14 Plaintiffs,

15 v.

16 HOME DEPOT U.S.A., INC., a  
 Delaware corporation; JOHN  
 17 BROOKS, an individual; and DOES 1  
 through 10, inclusive,

18 Defendants.

19  
 20 MICHAEL HENRY, on behalf of  
 himself, all others similarly situated,  
 21 and the general public,

22 Plaintiff,

23 v.

24 HOME DEPOT U.S.A., INC., a  
 Delaware corporation; and DOES 1-  
 25 50, inclusive,

26 Defendants.

Case No. 2:12-cv-02499-JAM-CKD

[Assigned for All Purposes to Hon. John A. Mendez]

**STIPULATION AND ORDER TO  
 CONTINUE HEARING DATE**

1 **STIPULATION AND [PROPOSED] ORDER**

2 Pursuant to Local Rules 143 and 230(f), defendant Home Depot U.S.A., Inc. and  
3 plaintiffs Sandy Bell, Martin Gama, and Michael Henry (“Plaintiffs”), hereby enter into  
4 this stipulation based on the following facts and circumstances:

5 1. On May 2, 2017, defendant filed its Motion for Partial Summary Judgment  
6 on Plaintiffs’ Claims for Penalties under Sections 203 and 226 (DE 146) and properly  
7 noticed the motion to be heard on June 6, 2017 at 1:30 p.m. before the Honorable John  
8 A. Mendez.

9 2. On May 3, 2017, counsel for plaintiff Michael Henry advised the parties  
10 that he has a scheduling conflict and is unavailable for the noticed June 6 hearing date.

11 3. Defendant’s counsel contacted the Court and was advised that the next  
12 available date that the Court is able to hear defendant’s motion is June 20, 2017, at 1:30  
13 p.m. Defendant’s counsel has conferred with counsel for Plaintiffs and all have  
14 confirmed their availability for a hearing on June 20.

15 4. Plaintiffs are currently reviewing the motion and reserve the right to  
16 request additional time to conduct discovery and oppose the motion, or file a declaration  
17 pursuant to Federal Rule of Civil Procedure, Rule 56(d);

18 5. NOW, THEREFORE, Defendant and Plaintiffs hereby stipulate and agree  
19 that the June 6, 2017 hearing date for defendant’s motion be continued to June 20, 2017,  
20 at 1:30 p.m.

21  
22 **IT IS SO STIPULATED.**

23  
24 Dated: May 5, 2017

AKIN GUMP STRAUSS HAUER & FELD, LLP

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26  
27 By /s/ Donna M. Mezas  
Donna M. Mezas  
28 Attorneys for defendant Home Depot U.S.A., Inc.

1 Dated: May 5, 2017

CAPSTONE LAW APC

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By /s/ Arnab Banerjee  
Arnab Banerjee  
Attorneys for plaintiffs SANDY BELL and  
MARTIN GAMA

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Dated: May 5, 2017

SETAREH LAW GROUP

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By /s/ Shaun Setareh  
Shaun Setareh  
Attorneys for plaintiff MICHAEL HENRY

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