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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
 13 similarly situated, and as aggrieved
 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]

**SECOND STIPULATION AND
 ORDER TO CONTINUE HEARING
 DATE**

1 **STIPULATION AND 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 noticed the
7 motion for hearing on June 6, 2017 at 1:30 p.m. before the Honorable John A. Mendez.

8 2. On May 8, 2017, the Court entered an order approving the parties’
9 stipulation to continue the June 6 hearing to June 20, 2017 at 1:30 pm due to a conflict
10 for counsel for plaintiff Henry. (DE 149).

11 3. On May 9, 2017, counsel for plaintiffs served two notices of deposition,
12 including a notice pursuant to Fed. R. Civ. P. 30(b)(6), and requests for production of
13 documents related to defendant’s motion. Plaintiffs’ counsel stated this discovery is
14 necessary for their opposition to defendant’s pending summary judgment motion.
15 Counsel for defendant advised plaintiffs’ counsel that Home Depot was unavailable on
16 the noticed deposition date and objected to the scope of the deposition topics and
17 document requests.

18 4. The parties have conferred and plaintiffs have agreed to limit the scope of
19 the pending discovery and to conduct the deposition(s) on a later date mutually agreed
20 to by the parties.

21 5. Defendant’s counsel contacted the Court and was advised that the next
22 available date that the Court is able to hear defendant’s motion is July 25, 2017, at 1:30
23 p.m. Defendant’s counsel has conferred with counsel for plaintiffs and all have
24 confirmed their availability for a hearing on July 25.

25 6. NOW, THEREFORE, in order to permit plaintiffs to conduct discovery
26 which plaintiffs state is related to defendant’s motion, defendant and plaintiffs hereby
27
28

1 stipulate and agree that the June 20, 2017 hearing date for defendant's motion be
2 continued to July 25, 2017, at 1:30 p.m.

3
4 **IT IS SO STIPULATED.**

5
6 Dated: June 5, 2017 AKIN GUMP STRAUSS HAUER & FELD, LLP

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8
9 By /s/ Donna M. Mezas
10 Donna M. Mezas
Attorneys for defendant Home Depot U.S.A., Inc.

11 Dated: June 5, 2017 CAPSTONE LAW APC

12
13
14 By /s/ Melissa Grant
15 Melissa Grant
Attorneys for plaintiffs SANDY BELL and
MARTIN GAMA

16 Dated: June 5, 2017 SETAREH LAW GROUP

17
18
19 By /s/ Shaun Setareh
20 Shaun Setareh
Attorneys for plaintiff MICHAEL HENRY

