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| 13 | | | | | | |
| 14 | UNITED STATES DISTRICT COURT | | | | | |
| 15 | EASTERN DISTRICT OF CALIFORNIA | | | | | |
| 16 | | | | | | |
| 17 | JESUS DE LEON, JOSE DE JESUS URZUA, RUBEN GALLO, RUBEN | Case No. 2:12-CV-02740-TLN-EFB | | | | |
| 18 | GALLO, JR., JUAN MANUEL GALLO, CRECENSIO SANCHEZ, ALEJANDRO | FURTHER STIPULATION TO STAY ACTION; ORDER | | | | |
| 19 | ROMO MORALES, JOSÉ ROBERTO SANTOS CASTRO, VICENTE SANTOS |) | | | | |
| 20 | CASTRO, RICARDO TRUJILLO, LUIS GALLO, and MELKISEDEC BARRERA, |) Action Filed: November 6, 2012 | | | | |
| 21 | on behalf of all similarly situated individuals, | | | | | |
| 22 | Plaintiffs, |)) | | | | |
| 23 | VS. | | | | | |
| 24 | BURKETT'S POOL PLASTERING, INC., ROBERT BURKETT, and | | | | | |
| 25 | MATTHEW WINDORSKI, |) | | | | |
| 26 | Defendants. | | | | | |
| 27 | | | | | | |
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| 28 | | | | | | |

| 1 | | <u>RECITALS</u> | | | | | |
|----|---|--|--|--|--|--|--|
| 2 | A. | A. This matter is set to begin trial on August 31, 2015, with a Final Pretrial | | | | | |
| 3 | Conference set for June 18, 2015. | | | | | | |
| 4 | B. | B. Plaintiffs and Defendants ("the parties") filed cross motions for partial | | | | | |
| 5 | summary judgment scheduled to be heard on May 7, 2015. | | | | | | |
| 6 | C. | C. The parties have participated in mediation and have reached a settlement | | | | | |
| 7 | of all claims and issues presented by the above-titled lawsuit. | | | | | | |
| 8 | D. | The parties wish to stay all proceedings in this matter pending the | | | | | |
| 9 | finalization of their settlement in writing in order to avoid spending the Court's time | | | | | | |
| 10 | and their own on motions, hearings and deadlines that will be rendered moot once the | | | | | | |
| 11 | settlement is consummated. The court previously took the parties' cross motions for | | | | | | |
| 12 | partial summary judgment, set for May 7, 2015 hearing, off calendar and ordered this | | | | | | |
| 13 | case stayed until May 13, 2015 (Doc. 98). | | | | | | |
| 14 | E. | Additional time is needed to complete the settlement given the multitude | | | | | |
| 15 | of parties and complexity of issues. | | | | | | |
| 16 | | STIPULATION | | | | | |
| 17 | NOW, THEREFORE, in consideration of the foregoing, the parties hereby | | | | | | |
| 18 | stipulate to the following: | | | | | | |
| 19 | 1. | That all proceedings in this matter shall continue to be stayed; | | | | | |
| 20 | 2. That the parties will devote their efforts to finalizing settlement; | | | | | | |
| 21 | 3. | That the parties' cross motions for partial summary judgment will | | | | | |
| 22 | remain off calendar; | | | | | | |
| 23 | 4. | That the parties shall finalize their settlement and shall, by May 30, | | | | | |
| 24 | 2015, file with the Court a stipulation to dismiss the action; | | | | | | |
| 25 | 5. | That if the parties do not, by May 30, 2015, file a stipulation of | | | | | |
| 26 | dismissal or a stipulation for further extension of the stay, then the Court may lift the | | | | | | |
| 27 | stay and restore the matter to the status quo ante; | | | | | | |
| 28 | | | | | | | |
| | | 2 STIPULATION TO STAY ACTION;] ORDER | | | | | |

| 1 | 6. That if the stay is lifted, the parties' cross motions for partial summary | | | | |
|----|--|---|--|--|--|
| 2 | judgment shall be restored to the Court's calendar and set for hearing for a date in | | | | |
| 3 | mid to late June 2015. | | | | |
| 4 | 7. | That Defendants preserve all objections to the timeliness of Plaintiffs' | | | |
| 5 | motion for p | motion for partial summary judgment and to the timeliness of Plaintiffs' opposition | | | |
| 6 | to Defendants' motion for partial summary judgment. | | | | |
| 7 | | | | | |
| 8 | | | | | |
| 9 | Dated: May | y 11, 2015 | CAROTHERS DISANTE & FREUDENBERGER LLP | | |
| 10 | | | LLI | | |
| 11 | | | By: /s/Mark H. Van Brussel | | |
| 12 | | | Mark H. Van Brussel | | |
| 13 | | | Attorneys for Defendants BURKETT'S POOL PLASTERING, INC., ROBERT BURKETT and MATTHEW | | |
| 14 | | | WINDORSKI | | |
| 15 | Dated: May | v 11 2015 | MALLISON & MARTINEZ | | |
| 16 | Dated. May | y 11, 201 <i>3</i> | WALLISON & WARTINEZ | | |
| 17 | | | | | |
| 18 | | | By: /s/Stan S. Mallison | | |
| 19 | | | Stan S. Mallison Attorneys for Plaintiffs JESUS DE LEON, et al. | | |
| 20 | | | JESUS DE LEON, et al. | | |
| 21 | | | | | |
| 22 | IT IS | SO ORDERED | | | |
| 23 | 11 13 | SO OKDERED | | | |
| 24 | Dated: Max | y 12 2015 | | | |
| 25 | Dated: May 12, 2015 | My- Munta | | | |
| 26 | | | Troy L. Nunley | | |
| 27 | | | United States District Judge | | |
| 28 | | | 3 STIPULATION TO STAY ACTION;] ORDER | | |
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