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12 Attorneys for Plaintiffs

14 **UNITED STATES DISTRICT COURT**
 15 **EASTERN DISTRICT OF CALIFORNIA**

17 JESUS DE LEON, JOSE DE JESUS
 URZUA, RUBEN GALLO, RUBEN
 18 GALLO, JR., JUAN MANUEL GALLO,
 CRECENSIO SANCHEZ, ALEJANDRO
 19 ROMO MORALES, JOSE ROBERTO
 SANTOS CASTRO, VICENTE SANTOS
 20 CASTRO, RICARDO TRUJILLO, LUIS
 GALLO, and MELKISEDEC BARRERA,
 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.

) Case No. 2:12-CV-02740-TLN-EFB

) **FURTHER STIPULATION TO**
) **STAY ACTION; ORDER**

) Action Filed: November 6, 2012

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1 **RECITALS**

2 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. Plaintiffs and Defendants (“the parties”) filed cross motions for partial
5 summary judgment scheduled to be heard on May 7, 2015.

6 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. The parties stipulated to extending the stay and the date by which the
15 parties must file a stipulation of dismissal on May 11, 2015 and the Court granted the
16 request on May 13, 2015 (Doc. 100).

17 F. The parties are in the final stages of the settlement terms to a written
18 settlement agreement and require additional time to complete the settlement.
19 Obtaining and reviewing the data needed to calculate the pro rata shares of the
20 settlement for the 18 settling parties has taken longer than counsel initially expected,
21 but is now in the final stages.

22 **STIPULATION**

23 NOW, THEREFORE, in consideration of the foregoing, the parties hereby
24 stipulate to the following:

- 25 1. That all proceedings in this matter shall continue to be stayed;
26 2. That the parties will devote their efforts to finalizing settlement;
27 3. That the parties’ cross motions for partial summary judgment will
28 remain off calendar;

1 4. That the parties shall finalize their settlement and shall, by June 15,
2 2015, file with the Court a stipulation to dismiss the action;

3 5. That if the parties do not, by June 15, 2015, file a stipulation of
4 dismissal or a stipulation for further extension of the stay, then the Court may lift the
5 stay and restore the matter to the status quo ante;

6 6. That if the stay is lifted, the parties’ cross motions for partial summary
7 judgment shall be restored to the Court’s calendar and set for hearing for a date in
8 early to mid July 2015.

9 7. That Defendants preserve all objections to the timeliness of Plaintiffs’
10 motion for partial summary judgment and to the timeliness of Plaintiffs’ opposition
11 to Defendants’ motion for partial summary judgment.

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14 Dated: May 29, 2015

CAROTHERS DISANTE & FREUDENBERGER
LLP

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16 By: /s/Mark H. Van Brussel

17 Mark H. Van Brussel
18 Attorneys for Defendants
19 BURKETT’S POOL PLASTERING, INC.,
20 ROBERT BURKETT and MATTHEW
WINDORSKI

21 Dated: May 29, 2015

MALLISON & MARTINEZ

22
23 By: /s/Stan S. Mallison

24 Stan S. Mallison
25 Attorneys for Plaintiffs
26 JESUS DE LEON, et al.
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1 IT IS SO ORDERED

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3 Dated: June 2, 2015

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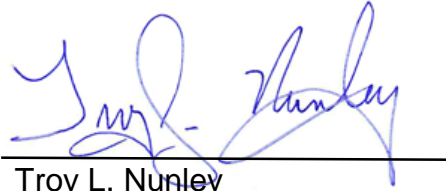
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Troy L. Nunley
United States District Judge