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 15 QUIANNA RAY and MARQUIA TUCKER

16 UNITED STATES DISTRICT COURT
 17 EASTERN DISTRICT OF CALIFORNIA
 18 SACRAMENTO DIVISION

19 QUIANNA RAY and MARQUIA
 20 TUCKER, on behalf of themselves and all
 others similarly situated, and on behalf of
 21 the general public,

22 Plaintiff,

23 v.

24 ADVANCED CALL CENTER
 TECHNOLOGIES, LLC, and DOES 1-50,
 25 inclusive,

26 Defendants.

Case No. 2:13-CV-01472 KJM (DAD)

**STIPULATION AND ORDER TO STAY
 ALL PROCEEDINGS PENDING FINAL
 APPROVAL OF THE PROPOSED CLASS
 ACTION SETTLEMENT IN *CARL, ET AL.
 V. ADVANCED CALL CENTER
 TECHNOLOGIES, LLC***

1 Plaintiffs Quianna Ray and Marquia Tucker (“Plaintiffs”) and Defendant Advanced Call
2 Center Technologies, LLC (“ACT”) (collectively “the Parties”), by and through their counsel of
3 record, hereby stipulate and respectfully request that this action be stayed pending final approval of a
4 proposed class action settlement in the case entitled *Shelley Carl, et al. v. Advanced Call Center*
5 *Technologies, LLC*, Superior Court for the State of California, Sacramento County, Case No. 34-
6 2013-00148310. The facts underlying the stipulation and request for a stay are as follows:

7 **RECITALS**

8 1. On May 8, 2013, a putative class action lawsuit entitled *Devra Keokongchack v.*
9 *Advanced Call Center Technologies, LLC*, U.S.D.C. Eastern District of California, Case No.
10 13cv1385 ("*Keokongchack*"), was filed against ACT. The *Keokongchack* lawsuit asserts claims for
11 alleged violations of the California Labor Code and California Business & Professions Code.

12 2. On June 13, 2013, Plaintiffs filed this lawsuit as a putative class action against ACT.
13 This lawsuit asserts claims for alleged violations of the California Labor Code and California
14 Business & Professions Code.

15 3. On July 19, 2013, a putative class action lawsuit entitled *Shelley Carl, et al. v.*
16 *Advanced Call Center Technologies, LLC*, Superior Court for the State of California, Sacramento
17 County, Case No. 34-2013-00148310 ("*Carl*"), was filed against ACT. The *Carl* lawsuit asserts
18 claims for alleged violations of the California Labor Code and California Business & Professions
19 Code.

20 4. On November 13, 2013, a private mediation was conducted with mediator Michael
21 Dickstein to discuss a potential global resolution of *Keokongchack, Carl*, and this lawsuit.

22 5. On April 17, 2014, following continued assistance from mediator Michael Dickstein,
23 the named plaintiffs in all three putative class actions and ACT finalized a memorandum of
24 understanding for a proposed class action settlement in *Carl*, subject to approval by the Sacramento
25 Superior Court.

26 6. Although ACT has agreed to a proposed class action settlement, ACT does not admit
27 that it engaged in any unlawful conduct. The Parties agree that the proposed class action settlement
28 shall not be construed as an admission by ACT that it has violated any statute, law, or regulation.

1 7. Counsel for the named plaintiffs in *Carl* has reserved a hearing date in June 2014 for
2 a motion for preliminary approval of the proposed class action settlement.

3 8. Plaintiffs have reviewed the terms of the proposed class action settlement in *Carl* and
4 agree that they are fair, adequate, and reasonable. As a result, Plaintiffs have opted to participate in
5 the proposed class action settlement in *Carl* which, if approved by the Sacramento Superior Court,
6 would resolve and release their claims against ACT that are alleged in this lawsuit.

7 9. If, for whatever reason, the Sacramento Superior Court does not grant final approval
8 of the proposed class action settlement in *Carl*, and therefore Plaintiffs' claims are not resolved and
9 released through the proposed class action settlement, the Parties wish to maintain the status quo in
10 this action.

11 10. As of the date of this stipulation, no class has been certified in this action and no
12 notice has been sent to the putative class members.

13 11. As of the date of this stipulation, all previously set deadlines and hearings, except for
14 the April 18, 2014 deadline to file dispositional documents, have been vacated.

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1 **STIPULATION**

2 Accordingly, the Parties stipulate and respectfully request that this action be stayed pending
3 final approval of the proposed class action settlement in *Shelley Carl, et al. v. Advanced Call Center*
4 *Technologies, LLC*, Superior Court for the State of California, Sacramento County, Case No. 34-
5 2013-00148310. The Parties will file a joint statement notifying the Court of the status of the
6 proposed class action settlement within three days of the Sacramento Superior Court's ruling on the
7 motion for final approval.

8 **IT IS SO STIPULATED.**

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10 Dated: April 17, 2014

11 /s/ Michael E. Brewer
12 MICHAEL E. BREWER
13 MICHAEL G. LEGGIERI
14 LITTLER MENDELSON, P.C.
Attorneys for Defendant
ADVANCED CALL CENTER
TECHNOLOGIES, LLC

15 Dated: April 17, 2014

16
17 /s/ Alex P. Katofsky [with permission]
18 DANIEL F. GAINES
19 ALEX P. KATOFSKY
GAINES & GAINES, APLC
Attorneys for Plaintiffs
QUIANNA RAY and MARQUIA TUCKER

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ORDER

Good cause appearing, the Parties' stipulation for a stay pending final approval of the proposed class action settlement in *Shelley Carl, et al. v. Advanced Call Center Technologies, LLC*, Superior Court for the State of California, Sacramento County, Case No. 34-2013-00148310, is **GRANTED**. The Parties are directed to file a joint statement notifying the Court of the status of the proposed class action settlement within three days of the Sacramento Superior Court's ruling on the motion for final approval.

IT IS SO ORDERED.

Dated: April 29, 2014.


UNITED STATES DISTRICT JUDGE