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5 *Attorney for Plaintiffs*

6  
 7 UNITED STATES DISTRICT COURT  
 8 EASTERN DISTRICT OF CALIFORNIA

10 **ANTHONY SPRADLIN**, an individual, and  
**GARY ALLEN**, an individual

11 Plaintiffs,

12 v.

13 **KASCO CORPORATION** a Delaware  
 14 corporation; and **DOES 1 through 10**,  
 inclusive,

15 Defendants..

CASE NO.: 2:13-cv-02260-TLN-AC

11 STIPULATION FOR LEAVE OF COURT TO  
 FILE SECOND AMENDED COMPLAINT  
 AND ORDER

18 **STIPULATION**

19 This Stipulation is made and entered into between Plaintiffs Anthony Spradlin and Gary  
 20 Allen (herein "Plaintiffs") and Defendant Kasco Corporation (herein "Defendant"), by and  
 21 through their respective counsel, with reference to the following.

22 1. WHEREAS, on October 31, 2013, Plaintiff Spradlin filed his initial Complaint in  
 23 the above-referenced matter with this Court;

24 2. WHEREAS, Plaintiffs filed a First Amended Complaint on December 31, 2013,  
 25 adding Plaintiff Allen to the above-referenced matter with this Court;

26 3. WHEREAS, Plaintiffs' co-worker David Samuelson, also represented by  
 27 Plaintiff's counsel now wishes to pursue litigation against Defendant;

28 4. WHEREAS, David Samuelson's issues and claims are alleged to be identical to

1 those plead by Plaintiffs Allen and Spradlin;

2 5. WHEREAS, it is in the interest of judicial economy to litigate Plaintiffs and  
3 Samuelson's claims together, subject to Defendant's right to request bifurcation;

4 6. WHEREAS, pursuant to Labor Code section 2699.3, on January 14, 2014,  
5 Plaintiffs notified Defendant and the Labor Workforce Development Agency (herein "LWDA")  
6 via certified mail of the specific provisions of the Private Attorney General Act (herein "PAGA")  
7 California Labor Code § 2698 *et seq.* alleged to have been violated by Defendant.

8 7. WHEREAS, to date Plaintiffs have not been notified by the LWDA of its intent to  
9 investigate the alleged violations.

10 8. WHEREAS, pursuant to Labor Code section 2699.3 (a)(2)(C), Plaintiffs may, as a  
11 matter of right, amend their complaint to add a cause of action arising under the PAGA within  
12 sixty (60) days of the LWDA's decision not to investigate or thirty-three (33) days from the  
13 postmarked notice sent to the LWDA if there has been no response from the LWDA.

14 THEREFORE, IT IS HEREBY STIPULATED by and between the parties hereto,  
15 through their respective attorneys of record that Plaintiff may file a Second Amended Complaint,  
16 a copy of which is attached hereto.

17 IT IS FURTHER STIPULATED that Defendant waives notice and service of the Second  
18 Amended Complaint and shall have twenty-one (21) days from the filing the Second Amended  
19 Complaint to file a responsive pleading.

20 Dated: February 25, 2014

QUINTANA ALBERT LLP

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22 By: s/Rory C. Quintana

23 Rory C. Quintana  
24 *Attorney for Plaintiff*

1 Dated: February 25, 2014

BEST BEST & KRIEGER LLP

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By: */s/ Laura Fowler*\_\_\_\_\_  
Laura Fowler  
*Attorney for Defendant*

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6 Dated: February 25, 2014

ICE MILLER LLP

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By: */s/ Paul Sinclair*\_\_\_\_\_  
Paul Sinclair  
*Attorney for Defendant*

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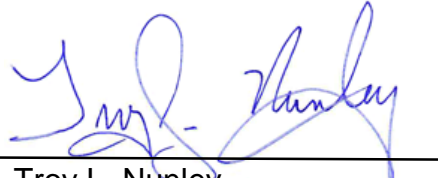
**ORDER**

The Court having considered the stipulation of the parties, and good cause appearing therefore, orders as follows:

1. Plaintiff Anthony Spradlin may file the proposed SECOND AMENDED COMPLAINT attached to the stipulation above.

IT IS SO ORDERED.

Dated: February 26, 2014



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Troy L. Nunley  
United States District Judge