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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RAMSES GUTIERREZ, et. al. individually,
and on behalf of all others similarly situated,

Plaintiff,

v.

CARTER BROTHERS SECURITY
SERVICES, LLC., AT&T DIGITAL LIFE,
INC.; and DOES 1 through 10, inclusive,

Defendants.

CASE NO. 14-CV-00351-MCE-CKD

**JOINT STIPULATION AND ORDER TO
CONTINUE DATES PENDING
REPRESENTATION OF DEFENDANT
CARTER BROTHERS SECURITY
SERVICES, LLC**

ACTION FILED: March 10, 2014
JUDGE: Hon. Morrison C. England

1 **STIPULATION**

2 Plaintiffs and Defendant AT&T Digital Life, Inc. (“AT&T”) (collectively with Plaintiffs, the
3 “Parties”), by and through their respective counsel of record, hereby stipulate as follows:

4 WHEREAS, on March 20, 2017, Plaintiffs filed a Renewed Motion to Conditionally Certify
5 an FLSA Collective Action under section 16(b) of the Fair Labor Standards Act (Dkt. 79) (the
6 “Motion”);

7 WHEREAS, Plaintiffs’ motion is currently noticed for hearing on June 15, 2017 (Dkt. 83);

8 WHEREAS, on April 26, 2017, AT&T served notices for the depositions of eight named
9 Plaintiffs to occur in the month of May, 2017;

10 WHEREAS, on April 20, 2017, Gordon & Rees Scully Mansukhani (“Gordon & Rees”),
11 counsel for Defendant Carter Brothers Security Services, LLC (“Carter Brothers”) advised that it no
12 longer represents Carter Brothers and that it intends to promptly file a Motion for Withdrawal of
13 Counsel;

14 WHEREAS, because Carter Brothers is currently without representation in this action,
15 continuing the hearing on Plaintiffs’ Motion and the depositions noticed by AT&T pending the
16 resolution of Gordon & Rees’ Motion for Withdrawal of Counsel and potential new representation of
17 Carter Brothers will conserve the resources of the Court and avoid prejudice to the Parties.

18 NOW THEREFORE, the Parties hereby stipulate, subject to the approval of this Court, that:

- 19 1. The hearing on Plaintiffs’ Motion be taken off-calendar;
- 20 2. If Gordon & Rees’ Motion for Withdrawal of Counsel is granted, within 14 days after
21 Carter Brothers files Notices of Appearance for new legal counsel, Plaintiffs will file a Notice to
22 Reschedule Hearing on their Motion on a mutually agreed-upon date;
- 23 3. If Gordon & Rees’ Motion for Withdrawal of Counsel is granted, within 14 days after
24 Carter Brothers files Notices of Appearance for new legal counsel, Plaintiffs and AT&T will make a
25 good faith effort to meet and confer with new counsel for Carter Brothers to schedule AT&T’s
26 noticed depositions;
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ORDER

Pursuant to this Stipulation and for the reasons stated therein, IT IS HEREBY ORDERED that:

1. The June 15, 2017, hearing on Plaintiffs' Motion is VACATED;
2. If Gordon & Rees' Motion for Withdrawal of Counsel is granted, within 14 days after Carter Brothers files Notices of Appearance for new legal counsel, Plaintiffs are to file a Notice to Reschedule Hearing on their Motion on a mutually agreed-upon date;
3. If Gordon & Rees' Motion for Withdrawal of Counsel is granted, within 14 days after Carter Brothers files Notices of Appearance for new legal counsel, Plaintiffs and AT&T are to make a good faith effort to meet and confer with new counsel for Carter Brothers to schedule AT&T's noticed depositions;
4. If the Motion for Withdrawal of Counsel is granted, but no Notices of Appearance of Counsel for Carter Brothers are filed within 14 days thereafter, Plaintiffs and AT&T will, within ten (10) days thereafter, file a joint status report informing the Court of the status of the case and proposing a date and time for a status conference;
5. If the Motion for Withdrawal of Counsel is denied, (1) Plaintiffs and AT&T will make a good faith effort to meet and confer with Gordon & Rees regarding Plaintiffs' motion and AT&T's noticed depositions within 14 days of entry of an order denying the motion; and (2) Plaintiffs will file a Notice to Reschedule Hearing on their Renewed Motion to Conditionally Certify an FLSA Collective Action on a mutually agreed-upon date within 21 days of the denial of the motion.

IT IS SO ORDERED.

Dated: May 3, 2017


MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE