

1 Angel Gomez (State Bar No. 74476)
 Kevin D. Sullivan (State Bar No. 270343)
 2 EPSTEIN BECKER & GREEN, P.C.
 1925 Century Park East, Suite 500
 3 Los Angeles, California 90067-2506
 Telephone: 310.556.8861
 4 Facsimile: 310.553.2165
 agomez@ebglaw.com
 5 ksullivan@ebglaw.com

6 Attorneys for Defendants
 ACX PACIFIC NORTHWEST, INC., PACIFIC LEASING, LLC,
 7 JOHN M. GOMBOS, and JOHN E. GOMBOS
 (Additional Counsel for Defendants Appear on Page 2)

8 STAN S. MALLISON (Bar No. 184191)
 StanM@TheMMLawFirm.com
 9 HECTOR R. MARTINEZ (Bar No. 206336)
 HectorM@TheMMLawFirm.com
 10 MARCO A. PALAU (Bar No. 242340)
 MPalau@TheMMLawFirm.com
 11 JOSEPH D. SUTTON (Bar No. 269951)
 JSutton@TheMMLawFirm.com
 12 MALLISON & MARTINEZ
 13 1939 Harrison Street, Suite 730
 Oakland, California 94612-3547
 14 Telephone: (510) 832-9999
 Facsimile: (510) 832-1101

15 Attorneys for Plaintiff MIGUEL ROJAS-CIFUENTES
 16 and Real Party in Interest the STATE OF CALIFORNIA,
 pursuant to the California Labor Code Private
 17 Attorney General Act

18 **UNITED STATES DISTRICT COURT**
 19 **EASTERN DISTRICT OF CALIFORNIA**

20 MIGUEL ROJAS-CIFUENTES on behalf of himself,
 on behalf of all others similarly situated and in the
 21 interest of the general public,
 22 Plaintiffs,
 23 vs
 24 ACX PACIFIC NORTHWEST INC, PACIFIC
 25 LEASING, LLC, JOHN M. GOMBOS, JOHN E.
 GOMBOS and Does 1-20
 26 Defendants.
 27

Case No. 2:14-cv-00697-JAM-CKD
 28 **STIPULATION AND ^{Jam}[PROPOSED]
 ORDER TO CONTINUE CLASS
 CERTIFICATION DEADLINE;
 CONTINUE BRIEFING SCHEDULE
 AND HEARING; AND CONTINUE
 DEADLINE FOR DEFENDANTS TO
 PRODUCE RESPONSIVE
 DOCUMENTS**

1 Matthew A. Goodin (State Bar No. 169674)
EPSTEIN BECKER & GREEN, P.C.
2 655 Montgomery Street, Suite 1150
San Francisco, California 94111
3 Telephone: 415.398.3500
Facsimile: 415.398.0955
4 mgoodin@ebglaw.com

5 Attorneys for Defendants
ACX PACIFIC NORTHWEST, INC., PACIFIC LEASING, LLC, JOHN M. GOMBOS, and
6 JOHN E. GOMBOS

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 The Parties to the above-entitled action, through their respective counsel of record, submit
2 this Stipulation and Proposed Order to (a) continue Plaintiff's deadline to file his Motion for Class
3 Certification; (b) continue the briefing schedule and hearing date on Motion for Class Certification;
4 and (c) further extend the deadline for Defendants to produce documents pursuant to Magistrate
5 Judge Delaney's order.

6 Plaintiff's deadline to move for class certification is presently March 20, 2017. Because
7 Fed.R.Civ.P. 30(b)(6) depositions have commenced but have not been completed, and because
8 pleading-related and discovery-related motions were only recently resolved, the Parties agree to
9 request from the Court that the deadline for Plaintiff to file his Motion for Class Certification be re-
10 set to May 19, 2017. There is good cause for modifying the existing deadline, and the need to do
11 so is no fault of either party.

12 On October 28, 2016, the parties' previously stipulated to a continue the above dates as the
13 Defendants were required to "provide voluminous records for the putative class – consisting of
14 nearly 450 individuals – within fourteen days. However, Defendants are in the process of
15 physically moving their corporate offices more than 100 miles, and that process is expected to take
16 six to eight weeks. Moreover, Defendants' human resources manager recently left for maternity
17 leave and will be out on maternity leave until January 2017. Her absence greatly affects
18 Defendants' ability to compile these records for production. Consequently, Defendants seek 45
19 additional days in which to produce these records." ECF No. 51 at 2:22–28.

20 On October 31, 2016, the Court granted the parties' stipulation. ECF No. 51. Specifically,
21 the Court ordered as follows:

22 For good cause appearing, the deadline for Plaintiff to file a motion for class
23 certification under Federal Rule of Civil Procedure 23, and a motion to certify a
24 collective action under the Fair Labor Standards Act, is hereby continued to March
25 20, 2017.

26 Defendants shall file their Opposition to Plaintiff's Motion for Class
27 Certification by no later than April 24, 2017.

28 Plaintiff shall file his Reply to Defendants' Opposition to Motion for Class
Certification by no later than May 15, 2017.

The hearing on Plaintiff's Motion for Class Certification shall be set for June
20, 2017 at 1:30 p.m.

28 ///

1 Also for good cause appearing, Defendants shall have until January 23, 2017
2 to produce documents pursuant to Magistrate Judge Delaney's September 22, 2016
3 order (ECF No. 47).

4 *Id.* at 5:2-12.

5 Unexpectedly, the process for moving Defendants' corporate offices – including all of the
6 records that are to be produced in this litigation – has taken longer than anticipated. Defendants are
7 still in the process of moving into its new facility in Los Angeles. Consequently, Defendants have
8 been unable to compile the document production. Compounding this issue is that Defendants'
9 human resources manager has not returned from maternity leave. For this reason, Defendants seek
10 an additional 60 days to produce documents. As a result, all corresponding dates in the class
11 certification briefing schedule should also be continued.

12 The parties have also met and conferred regarding the propriety of certain affirmative
13 defenses within Defendants' Answer to Plaintiff's Second Amended Complaint. ECF No. 52. In
14 lieu of unnecessary motion practice, the parties stipulate that Defendants shall file an Amended
15 Answer to Plaintiff's Second Amended Complaint.

16 Based on the foregoing, the Parties have agreed to request that the Court (a) continue the
17 deadline for Plaintiff to file a Motion for Class Certification to May 19, 2017; (b) continue the
18 previously agreed-upon briefing schedule to track the new deadline; (c) extend for 60 days the
19 deadline for Defendants to produce documents; and (d) permit Defendants to file an Amended
20 Answer to Plaintiff's Second Amended Complaint within seven days of the Court's order on this
21 stipulation. The Parties have agreed to a briefing and hearing schedule as follows:

- 22 • Plaintiff shall file his Motion for Class Certification by no later than May 19, 2017;
- 23 • Defendants shall file their Opposition to Plaintiff's Motion for Class Certification by
24 no later than June 23, 2017;
- 25 • Plaintiff shall file his Reply to Defendants' Opposition to Motion for Class
26 Certification by no later than July 14, 2017; and

27 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- The hearing on Plaintiff's Motion for Class Certification shall be set for August 15, 2017 at 1:30 p.m., or whichever date and time are convenient for the Court.

Respectfully submitted,

DATED: January 20, 2017

MALLISON & MARTINEZ

By: /s/ Marco A. Palau
Marco A. Palau
Attorneys for PLAINTIFFS

DATED: January 20, 2017

EPSTEIN BECKER & GREEN, P.C.

By: /s/ Kevin D. Sullivan
Kevin D. Sullivan
Attorney for DEFENDANTS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

~~PROPOSED~~ ORDER

For good cause appearing, the deadline for Plaintiff to file a motion for class certification under Federal Rule of Civil Procedure 23, and a motion to certify a collective action under the Fair Labor Standards Act, is hereby continued to May 19, 2017.

Defendants shall file their Opposition to Plaintiff's Motion for Class Certification by no later than June 23, 2017.

Plaintiff shall file his Reply to Defendants' Opposition to Motion for Class Certification by no later than July 14, 2017.

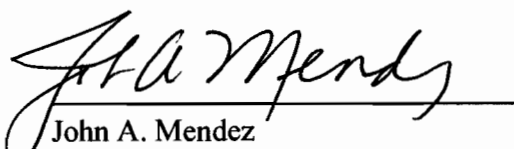
The hearing on Plaintiff's Motion for Class Certification shall be set for August 15, 2017 at 1:30 p.m.

Also for good cause appearing, Defendants shall have until March 24, 2017 to produce documents pursuant to Magistrate Judge Delaney's order (ECF No. 47).

Also for good cause appearing, Defendants shall file an Amended Answer to Plaintiff's Second Amended Complaint within seven days of the Court's order on this stipulation.

IT IS SO ORDERED.

Dated: 1-20-2017


John A. Mendez
United States District Judge