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**FILED**  
 MAY 18 2017  
 CLERK, U.S. DISTRICT COURT  
 EASTERN DISTRICT OF CALIFORNIA  
 BY SK  
 DEPUTY CLERK

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 Real Party in Interest the STATE OF CALIFORNIA, pursuant  
 9 to the California Labor Code Private Attorney General Act

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

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

Case No. 2:14-cv-00697-JAM-CKD

21 MIGUEL ROJAS-CIFUENTES on behalf of himself,  
 on behalf of all others similarly situated and in the  
 22 interest of the general public,

23 Plaintiffs,

24 vs

25 ACX PACIFIC NORTHWEST INC, PACIFIC  
 LEASING, LLC, JOHN M. GOMBOS, JOHN E.  
 26 GOMBOS and Does 1-20

27 Defendants.

**STIPULATION AND ORDER TO  
 CONTINUE CLASS CERTIFICATION  
 DEADLINE; CONTINUE BRIEFING  
 SCHEDULE AND HEARING; AND  
 CONTINUE DEADLINE FOR  
 DEFENDANTS TO PRODUCE  
 RESPONSIVE DOCUMENTS**

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

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 May 19, 2017. Because  
7 FRCP 30(b)(6) depositions have commenced but have not been completed, because documents  
8 pursuant to Magistrate Judge Delaney's September 22, 2016 Order conditionally granting  
9 Plaintiff's Motion to Compel were only produced on April 28, 2017, and because further  
10 production by Defendants of paper records may be forthcoming, the Parties agree to request from  
11 the Court that the deadline for Plaintiff to file his Motion for Class Certification be re-set to  
12 November 19, 2017. There is good cause for modifying the existing deadline, and the need to do  
13 so is no fault of either party.

14 Pursuant to Magistrate Judge Delaney's September 22, 2016 Order, Defendants were  
15 ordered to produce documents in native electronic format, to the extent they exist. (ECF No. 47.)  
16 Defendants served voluminous records for the putative class – consisting of nearly 450 individuals  
17 – in March and April 2017. Plaintiff is still reviewing said records, and the Parties are currently  
18 meeting and conferring regarding Defendant producing some documents in paper form.

19 Thus, Plaintiff and Defendants are still actively engaged in discovery practice that will have  
20 a significant impact on Plaintiff's Motion for Class Certification. Because production of  
21 documents occurred in March and April 2017 and further production in paper form may be  
22 forthcoming, Plaintiff will not have enough time to synthesize the documents and data sufficient  
23 for purposes of preparing his Motion for Class Certification.

24 Additionally, Plaintiff's counsel will be unavailable to brief class certification issues in June  
25 and July 2017. And Defendants' counsel will be engaged in either arbitration or trial in other  
26 matters in July, September, October, and November 2017, and thus request that class certification  
27 not be briefed during this time.

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1 Based on the foregoing, the Parties have agreed to request that the Court (a) continue the  
2 deadline for Plaintiff to file a Motion for Class Certification to November 17, 2017, and (b) set a  
3 new briefing schedule to track the new deadline. The Parties have further agreed to continue to  
4 meet and confer regarding whether Plaintiff wants additional records for putative class members  
5 produced that are available only in paper form. The Parties have agreed to a briefing and hearing  
6 schedule as follows:

- 7 • Plaintiff shall file his Motion for Class Certification by no later than November 17,  
8 2017;
- 9 • Defendants shall file their Opposition to Plaintiff's Motion for Class Certification by  
10 no later than January 19, 2018;
- 11 • Plaintiff shall file his Reply to Defendants' Opposition to Motion for Class  
12 Certification by no later than February 14, 2018; and
- 13 • The hearing on Plaintiff's Motion for Class Certification shall be set for March 13,  
14 2018 at 1:30 p.m., or whichever date and time are convenient for the Court.

15 Respectfully submitted,

16 DATED: May 17, 2017

**MALLISON & MARTINEZ**

17  
18 By: /s/ Marco A. Palau  
19 Marco A. Palau  
20 Attorneys for PLAINTIFF

21  
22 DATED: May 17, 2017

**EPSTEIN BECKER & GREEN, P.C.**

23  
24 By: /s/ Kevin D. Sullivan  
25 Kevin D. Sullivan  
26 Attorney for DEFENDANTS

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**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 November 17, 2017.

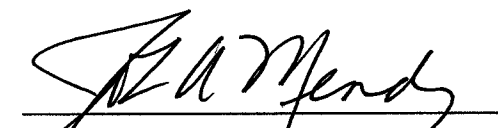
Defendants shall file their Opposition to Plaintiff's Motion for Class Certification by no later than January 19, 2018.

Plaintiff shall file his Reply to Defendants' Opposition to Motion for Class Certification by no later than February 14, 2018.

The hearing on Plaintiff's Motion for Class Certification shall be set for March 13, 2018 at 1:30 p.m.

*Jan* No further stipulations or requests to continue the deadline  
IT IS SO ORDERED. For Class Certification will be allowed.

Dated: 5-17-2017

  
John A. Mendez  
United States District Court Judge