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14 Attorneys for Defendant CLEAN HARBORS
 15 INDUSTRIAL SERVICES, INC.

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

18 LAURA EMERTON, an individual,

19 Plaintiff,

20 v.

21 CLEAN HARBORS, INC., a
 22 California Corporation; and DOES 1
 through 50, inclusive,

23 Defendant.

Case No.: 2:14-cv-02658-TLN-DAD

**STIPULATION AND ORDER TO
 PERMIT PLAINTIFF TO AMEND
 FIRST AMENDED COMPLAINT TO
 ADD CLEAN HARBORS
 INDUSTRIAL SERVICES, INC. AS A
 DEFENDANT**

Trial Date: October 3, 2016

First Amended Complaint Filed:

March 9, 2015

1 Plaintiff Laura Emerton (“Plaintiff”) and Defendant Clean Harbors Industrial
2 Services, Inc. (“Defendant”), by and through their undersigned attorneys, hereby
3 stipulate as follows:

4 **STIPULATION**

5 A. WHEREAS, Plaintiff originally named Clean Harbors, Inc. as the
6 defendant in this action, filed in Solano County Superior Court on October 3, 2014,
7 Case No. FCS044304;

8 B. WHEREAS, counsel for Defendant promptly informed counsel for
9 Plaintiff that the appropriate entity in this action is not Clean Harbors, Inc., but
10 rather is Clean Harbors Industrial Services, Inc. and timely filed an Answer on
11 behalf of Clean Harbors Industrial Services, Inc. in Solano County Superior Court
12 on November 12, 2014, identifying that Defendant was “erroneously sued as Clean
13 Harbors, Inc.”;

14 C. WHEREAS, Defendant timely removed the matter to the U.S. District
15 Court for the Northern District of California on November 13, 2014, based on
16 diversity jurisdiction;

17 D. WHEREAS, Plaintiff filed a First Amended Complaint (hereinafter
18 “FAC”), which is the operative pleading in this action, on March 9, 2015, again
19 naming only Clean Harbors, Inc. as a defendant;

20 E. WHEREAS, Defendant Clean Harbors Industrial Services, Inc.
21 answered the FAC on March 26, 2015, and again indicated that Defendant was
22 incorrectly sued as Clean Harbors, Inc.;

23 F. WHEREAS, Plaintiff’s counsel represented that she would substitute
24 in Clean Harbors Industrial Services, Inc., if Defendant provided Plaintiff’s counsel
25 with a declaration establishing Clean Harbors Industrial Services, Inc. as the
26 Plaintiff’s employer;

1 G. WHEREAS on June 11, 2015, Defendant provided a declaration from
2 Robert Edwards, the U.S. Payroll Manager for Clean Harbors Environmental
3 Services, Inc. establishing that Clean Harbors Industrial Services, Inc. is Plaintiff's
4 former employer during the relevant timeframe and therefore the correct defendant
5 in this action;

6 H. WHEREAS, Plaintiff now seeks to make an amendment to the FAC to
7 add Clean Harbors Industrial Services, Inc. as a defendant in this action, pursuant to
8 the information provided by Robert Edwards;

9 I. WHEREAS, Plaintiff believes that the documents produced by Clean
10 Harbors Industrial Services, Inc. indicate that Clean Harbors, Inc. was also an
11 employer of the Plaintiff and controlled and maintained the policies and procedures
12 giving rise to the claims and contributed to the wrongful conduct alleged by
13 Plaintiff in the FAC -- which assertions Defendant denies in their entirety --
14 Plaintiff does not wish to remove Clean Harbors, Inc. as a defendant in this action,
15 but wishes to proceed against both Clean Harbors, Inc. and Clean Harbors
16 Industrial Services, Inc.

17 **IT IS HEREBY STIPULATED:**

- 18 1. Plaintiff may amend her Complaint to add Clean Harbors Industrial
19 Services, Inc. as a Defendant in this action.
20 2. Plaintiff is directed to file the amended complaint within seven (7)
21 days of the entry of this order.

22 DATED: September 30, 2015 DAVID YEREMIAN & ASSOCIATES,
23 INC.

24 By /s/Michele Jackson _____
25 David Yeremian
26 Michele L. Jackson
27 Attorneys for Plaintiff
28 LAURA EMERTON

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DATED: September 30, 2015 OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.

By: /s/Victoria L. Tallman
Sarah R. Nichols
Victoria L. Tallman
Attorneys for Defendant
CLEAN HARBORS INDUSTRIAL
SERVICES, INC. (erroneously sued as Clean
Harbors, Inc.)

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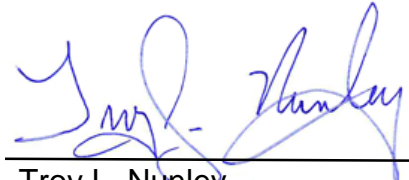
ORDER

The Court having reviewed the foregoing Stipulation, and good cause appearing therefore:

IT IS HEREBY ORDERED that Plaintiff, LAURA EMERTON is granted leave to amend her Complaint to add Defendant Clean Harbors Industrial Services, Inc. as a defendant in this action. **Plaintiff is directed to file the amended complaint within seven (7) days of the entry of this order.**

IT IS SO ORDERED.

Dated: September 30, 2015



Troy L. Nunley
United States District Judge