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21 **UNITED STATES DISTRICT COURT**

22 **EASTERN DISTRICT OF CALIFORNIA**

23 RICARDO CASTILLO, individually
and on behalf of all others similarly
24 situated,

25 Plaintiff,

26 v.

27 ADT LLC and DOES 1–100, inclusive,

28 Defendants.

Case No. 2:15-cv-00383-WBS-DAD

**STIPULATION TO FILING OF
FIRST AMENDED COMPLAINT;
[PROPOSED] ORDER**

[NOTICE OF LODGING [PROPOSED]
FIRST AMENDED COMPLAINT
concurrently filed]

Complaint Filed: February 17, 2015
Trial Date: October 18, 2016

1 Plaintiff Ricardo Castillo (hereinafter, "Plaintiff") and Defendant ADT LLC
2 (hereinafter, "Defendant") (collectively, the "Parties") hereby jointly stipulate as
3 follows:

4 WHEREAS, Plaintiff filed the original complaint in this action in the above
5 referenced Court on February 17, 2015;

6 WHEREAS, Plaintiff asserts that pursuant to California Labor Code section
7 2699.3(a)(1), on or about February 27, 2015, Plaintiff gave written notice by
8 certified mail to the California Labor and Workforce Development Agency
9 ("LWDA") and Defendant of the specific provisions of the California Labor Code
10 alleged to have been violated by Defendant, including the facts and theories set forth
11 in the original Complaint, and requested permission to pursue civil penalties against
12 Defendant under the Labor Code Private Attorney Generals Act, California Labor
13 Code section 2698, *et seq.* ("LCPAGA");

14 WHEREAS, Plaintiff asserts that more than thirty three days have passed
15 since Plaintiff gave notice to Defendant and the LWDA as described above;

16 WHEREAS, pursuant to section 2699.33 of the California Labor Code,
17 Plaintiff may amend the existing complaint to clarify that he is pursuing a cause of
18 action arising under the Labor Code Private Attorneys General Act;

19 WHEREAS, Defendant is willing to stipulate Plaintiff's proposed amendment,
20 provided that such stipulation is without waiver or prejudice as to Defendant's ability
21 to assert any affirmative defenses related to exhaustion of administrative remedies,
22 or ability to otherwise challenge Plaintiffs' claims, including those pursuant to
23 LCPAGA, by any available means;

24 WHEREAS, Plaintiff agrees with the limitation on Defendant's stipulation set
25 forth above;

26 NOW, THEREFORE, it is stipulated that:

27 1. Plaintiff may file the First Amended Complaint ("FAC") attached as
28 Exhibit 1 to the Notice of Lodging [Proposed] First Amended Complaint, which

1 FAC asserts a claim under the California Labor Code Private Attorneys General Act
2 (“PAGA”), section 2698 et seq. of the California Labor Code. The proposed FAC
3 lodged herewith shall be deemed filed on the date the Court executes the
4 concurrently filed Proposed Order.

5 2. By stipulating to this amendment, Defendant has not waived any
6 affirmative defenses, including related to exhaustion of administrative remedies, and
7 instead expressly reserves its right to challenge by any and all available procedural
8 means, the validity or sufficiency of each and every allegation contained in the FAC.

9 Respectfully submitted,

10 DATED: September 29, 2015

OGLETREE, DEAKINS, NASH, SMOAK
& STEWART, P.C.

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By: /s/ Christopher M. Ahearn

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Linda Claxton
Christopher M. Ahearn
Rachel J. Moroski

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Attorneys for Defendant
ADT LLC

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17 DATED: September 29, 2015

HARRIS & RUBLE

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By: /s/ Alan Harris

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Alan Harris
Priya Mohan

21 DATED: September 29, 2015

NORTH BAY LAW GROUP

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By: /s/ David S. Harris
David S. Harris

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Attorneys for Plaintiff
RICARDO CASTILLO

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ORDER

The parties having submitted a Joint Stipulation to allow Plaintiff to file a First Amended Complaint, the Court orders the First Amended Complaint, attached as Exhibit 1 to the Notice of Lodging of [Proposed] First Amended Complaint, filed.

Dated: September 29, 2015



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE