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

18 * * *

19 TERRY T. SNIPES, SR., an individual,
 20 residing in San Joaquin County, California,

21 Plaintiff,

22 vs.

23 DOLLAR TREE DISTRIBUTION, INC., A
 24 Virginia Corporation; and Does 1 through
 25 50, inclusive,

26 Defendants.

Case No. 2:15-cv-00878-MCE-DAD

Judge: Hon. Morrison C. England, Jr.

CLASS ACTION

**JOINT STIPULATION RE: TOLLING
 OF DEADLINE TO SUBMIT
 INDIVIDUAL DEMAND FOR
 ARBITRATION; ORDER THEREON**

Action Filed: April 1, 2015

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1 **STIPULATION**

2 Plaintiff TERRY T. SNIPES, SR. ("Plaintiff") and Defendant DOLLAR TREE
3 DISTRIBUTION, INC. ("Defendant"), by and through their respective counsel of record,
4 hereby stipulate and agree as follows:

5 1. On or about November 7, 2019, the Court entered a Memorandum and
6 Order by which it, among other things, granted Defendant's Motion to Compel
7 Arbitration and Amend Operative Class Definition with respect to the Class Members
8 identified in Appendix A and Appendix B of Defendant's Notice of Motion (hereinafter
9 "the Arbitration Associates") (Dkt. 101; the "November 7, 2019 Order").

10 2. The November 7, 2019 Order compelled the Arbitration Associates to
11 arbitrate, in the manner provided by his or her Arbitration Agreement with Defendant,
12 the first through eighth claims for relief asserted in the operative complaint, to be
13 initiated within ninety (90) days of the November 7, 2019 Order, should the Arbitration
14 Associate so choose.

15 3. On or about December 5, 2019, Plaintiff filed a Motion for Reconsideration
16 and Notice of Appeal with respect to the November 7, 2019 Order.

17 4. On or about December 19, 2019, mediator David Lowe, Esq. issued to
18 Plaintiff and Defendant a mediator's proposal, the terms of which would result in
19 settlement and release of the claims of all Class Members, as of the November 7, 2019
20 Order, and the Arbitration Associates.

21 5. On or about December 23, 2019, Plaintiff and Defendant were notified by
22 Mr. Lowe that the mediator's proposal was accepted by the parties.

23 6. Plaintiff and Defendant are preparing a long-form settlement agreement
24 and supporting documents to set forth the terms for resolving the claims of the Class
25 Members and the Arbitration Associates and submit for Court approval (the
26 "Settlement"). Defendant agrees that it will provide a draft memorandum of agreement
27 that has been approved by Defendant and all of Defendant's Counsel to Plaintiff not
28 later than January 31, 2020.

1 7. Plaintiff and Defendant stipulate and agree that it is in the best interest of
2 the Arbitration Associates that the ninety (90) day deadline set forth in the Court's
3 November 7, 2019 Order for the bringing of individual demands for arbitration be
4 TOLLED pending the submission of the Settlement for Court approval, and distribution
5 of notice of the Settlement to the Class Members subject to the Court's preliminary
6 approval of the Settlement.

7 8. Plaintiff and Defendant stipulate and agree that the deadline to file an
8 individual claim to arbitrate shall be tolled through and including the later of the following
9 dates: (a) sixty (60) days following the Court's issuance of an Order denying, in its
10 entirety, the Plaintiff's Motion for Preliminary Approval of Joint Stipulation of Settlement
11 ("Preliminary Approval Motion"); (b) subject to preliminary approval of the Settlement,
12 sixty (60) days following the date upon which any Arbitration Associate compelled to
13 arbitration pursuant to the Court's November 7, 2019 Order (Dkt. 101) submits a valid,
14 timely request for exclusion from the Settlement in the manner provided by the
15 Settlement; or (c) sixty (60) days following the Court's issuance of an Order denying, in
16 its entirety, the Plaintiff's Motion for Final Approval of Joint Stipulation of Settlement.

17 9. Plaintiff and Defendant agree to work expeditiously to prepare the papers
18 necessary to seek preliminary approval of the Settlement from the Court.

19 10. Plaintiff and Defendant agree that, (i) should Plaintiff be contacted by a
20 Class Member or Arbitration Associate about the case before the filing of the
21 Preliminary Approval Motion, Plaintiff will respond only that the individual should contact
22 Plaintiff's counsel; and (ii) should Plaintiff's counsel be contacted by any Class Member
23 or Arbitration Associate about the case before the filing of the Preliminary Approval
24 Motion, Plaintiff's counsel will respond that a settlement has been reached, the

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1 individual need not do anything to protect his/her rights as to the lawsuit, at this time,
2 and the details of the settlement and the Class Member's or Arbitration Associate's
3 rights will be communicated in a forthcoming Court-approved notice.

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5 DATED: January 27, 2020

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8 JARED HAGUE
9 SUTTON HAGUE LAW CORPORATION
10 Attorneys for Plaintiff
11 TERRY T. SNIPES, SR.

12 DATED: January 27, 2020

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14 ELENA BACA
15 RYAN DERRY
16 JENNIFER MILAZZO
17 PAUL HASTINGS
18 Attorneys for Defendant
19 DOLLAR TREE DISTRIBUTION, INC.

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21 **ORDER**

22 In accordance with the Joint Stipulation between Plaintiff and Defendant, the
23 ninety (90) day deadline for the Arbitration Associates to initiate individual demands for
24 arbitration against Defendant, if they so choose, as set forth in the Court's November 7,
25 2019 Memorandum and Order (ECF No. 101), is hereby TOLLED in the manner set
26 forth in the Joint Stipulation of the parties.

27 IT IS SO ORDERED.

28 DATED: January 27, 2020

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31 MORRISON C. ENGLAND, JR.
32 UNITED STATES DISTRICT JUDGE