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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DAVID KRUEGER,
Plaintiff,
v.
MISTRAS GROUP, INC.; and DOES 1-
50, inclusive.
Defendant.

Case No. 2:15-cv-01069-MCE-DAD

**SUPPLEMENTAL STIPULATION TO
CONTINUE DEADLINE TO FILE JOINT
STATUS REPORT AND
CORRESPONDING DEADLINES; ORDER
THEREON**

Complaint Filed: April 10, 2015
Removed: May 18, 2015

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2 **TO THE COURT, ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

3 Plaintiff DAVID KRUEGER, on behalf of himself and all others similarly situated,
4 (“Plaintiff”) and Defendant MISTRAS GROUP, INC. (“Defendant”) (collectively, the “Parties”), by
5 and through their respective counsel of record, hereby stipulate and agree as follows:

6 On April 10, 2015, Plaintiff filed in the California Superior Court for Kern County
7 the above-captioned lawsuit (ECF Doc. No. 1-2).

8 On May 18, 2015, Defendant removed this case to U.S. District Court, Eastern
9 District of California (ECF Doc. No. 1).

10 On the same day, the Court issued an Order Requiring Joint Status Report. Pursuant
11 to this order, the deadline for the Parties to file a joint status report addressing the topics listed in
12 said order, including a Rule 26(f) discovery plan, was July 17, 2015 (ECF Doc. No. 2).

13 On May 27, 2015, Defendant filed a Notice of Related Case identifying the following
14 action filed in the California Superior Court for San Francisco County on April 13, 2015, and
15 removed to the United States District Court for the Northern District of California on May 15, 2015:
16 *Edgar Vicerál v. Mistras Group, Inc.*, Case No. 3:15-cv-02198-EDL (“*Vicerál*”), currently pending
17 before the Honorable Edward M. Chen (ECF Doc. No. 4).

18 The Parties agree that the parties and some of the substantive claims in this matter
19 overlap with the parties and substantive claims in the *Vicerál* case, and that transfer, consolidation,
20 and/or coordination of the two matters before a single Court is appropriate. The Parties are working
21 diligently to address this issue and are negotiating regarding how to proceed.

22 In order to have sufficient time to negotiate the coordination of *Vicerál* and *Krueger*,
23 on July 13, 2015 the *Krueger* Parties filed a Stipulation and [Proposed] Order to Continue Deadline
24 to File Joint Status Report and Corresponding Deadlines to extend the July 17, 2015 deadline for
25 thirty (30) days until August 17, 2015. (ECF Doc. No. 9). The Parties explained that they needed
26 additional time to allow for transfer and/or consolidation or coordination of *Krueger* with the *Vicerál*
27 action. Moreover, extending the deadlines would preserve both the Parties’ and the Court’s resources
28 and promotes efficiency. The Parties would have a greater ability to fully discuss ADR options and
to adequately conduct a Rule 26(f) conference after the cases are transferred and/or consolidated or

1
2 coordinated.

3 On July 20, 2015, this Court granted the Parties' request for an extension of the July
4 17, 2015 Joint Status Report deadline (ECF Doc. No. 10). The Court extended the deadline to
5 August 17, 2015.

6 Since the Court's order, the Parties have been working diligently to coordinate
7 *Krueger* with the *Viceral* action. Counsel for Parties in both actions have met and conferred on
8 numerous occasions. Ultimately, the Parties have agreed that *Krueger* will be combined with *Viceral*
9 before the Northern District of California by way of filing an amended complaint in *Viceral* and
10 adding the *Krueger* parties and claims to the complaint. Thereafter, the *Krueger* Plaintiffs will
11 request dismissal of this action before this Court. This agreed-upon coordination of the two cases
12 implicates several procedural steps including, but not limited to: coordinating Plaintiffs' Counsel in
13 both matters; drafting an agreed upon amended complaint; and drafting an agreed upon request for
14 dismissal. The Parties have been working to complete all the necessary steps for coordination;
15 however, they require additional time to finalize all procedural filings and pleadings. The Parties
16 project that all steps for the complete coordination of *Krueger* and *Viceral* will be completed in the
17 next three (3) weeks. Accordingly, the Parties submit this supplemental stipulation to extend the
18 deadlines.

19 IT IS HEREBY STIPULATED, by and between the Parties hereto, through their
20 respective counsel of record, as follows:

21 The Joint Status Report and corresponding meet and confer and other related
22 deadlines should be continued from the August 17, 2015 Joint Status Report deadline, until
23 September 4, 2015, or as soon thereafter as practicable to allow for coordination with the *Viceral*
24 action and dismissal of *Krueger*.

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2 Dated: August 14, 2015

SCHNEIDER WALLACE COTTRELL
KONECKY WOTKYNS LLP

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5 By: /s/ Carolyn Hunt Cottrell
CAROLYN HUNT COTTRELL
NICOLE N. COON
Attorneys for Plaintiff

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7 Dated: August 14, 2015

LITTLER MENDELSON, P.C.


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10 By: /s/ R. Keith Chapman
JOSEPH A. SCHWACHTER
R. KEITH CHAPMAN
Attorneys for Defendant
MISTRAS GROUP, INC.

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13 **ORDER ON STIPULATION**

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15 Having reviewed the foregoing stipulation and for good cause appearing, the Joint
16 Status Report and corresponding meet and confer and other related deadlines shall be continued from
17 the August 17, 2015 Joint Status Report deadline, until September 4, 2015, or as soon thereafter as
18 practicable to allow for coordination with *Edgar Vical v. Mistras Group, Inc.*, Case No. 3:15-cv-
19 02198-EDL and dismissal of the pending matter, *David Krueger v. Mistras Group, Inc.*, Case No.
20 2:15-cv-01069-MCE-DAD.

21 IT IS SO ORDERED.

22 Dated: August 19, 2015

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MORRISON C. ENGLAND, JR., CHIEF JUDGE
UNITED STATES DISTRICT COURT