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17
 18 UNITED STATES DISTRICT COURT
 19 FOR THE EASTERN DISTRICT OF CALIFORNIA
 20

21 VERINA FREEMAN and VALECEA
 DIGGS, individually and on behalf of all
 22 others similarly situated,

23 Plaintiffs

24 v.

25 WILSHIRE COMMERCIAL CAPITAL
 L.L.C., a California limited liability company,
 26 dba WILSHIRE CONSUMER CREDIT,

27 Defendant.
 28

Case No. 2:15-cv-01428-WBS-AC

CLASS ACTION

**STIPULATION AND ORDER
 CONTINUING STAY**

**Date: August 6, 2018
 Time: 1:30 p.m.
 Courtroom 5 – 14th Floor
 Hon. William B. Shubb**

1 **I. CASE STATUS**

2 On March 6, 2018, the Court denied Wilshire’s Motion for Summary Judgment, but
3 simultaneously ordered the case stayed pending the U.S. Supreme Court’s review of *Resh v.*
4 *China Agritech, Inc.* (9th Cir. 2017) 857 F.3d 994.

5 The U.S. Supreme Court issued its unanimous opinion in *Resh*, limiting the interpretation
6 of *American Pipe & Construction Co. v. Utah*, 414 U.S. 538 (1974). As this Court pointed out:

7 If the Court reverses *Resh* and determines that the statute of limitations is tolled
8 only for individual claims, then plaintiffs would be unable to bring this case as a
9 class action, though they would still be able to proceed with their individual
claims.

10 In light of the U.S. Supreme Court’s ruling in *Resh* and the Court’s Order Re: Motion to
11 Stay, the parties are exploring the possibility of settling the above matter on an individual basis
12 on behalf of Verina Freeman and Valecea Diggs. Defendant reserves the right to bring a
13 dispositive motion if settlement discussions are not successful.

14 The parties therefore STIPULATE as follows:

- 15 1. The August 6, 2018 Status Conference re Stay shall be continued to November 13, 2018
16 at 1:30 p.m. to allow for the parties to conduct further settlement negotiations.
- 17 2. The parties shall file a Joint Status Statement not later than ten (10) Court days prior to
18 the continued Status Conference.

19 IT IS SO STIPULATED

20 KEMNITZER, BARRON, & KRIEG, LLP

21 By: /s/ Bryan Kemnitzer
22 BRYAN KEMNITZER
23 ELLIOT CONN
Attorneys for Plaintiffs VERINA FREEMAN and
VALECEA DIGGS, and the Proposed Class

24 MOLINO & BERARDINO, APLC

25 By: /s/ Benjamin John Carter
26 STEVEN R. BERARDINO
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COMMERCIAL CAPITAL, LLC

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ATTESTATION OF SIGNATURE

I, Bryan Kemnitzer, am the ECF User whose ID and Password were used to electronically file this Statement. I hereby attest that all other signatories listed, and on whose behalf this filing is submitted, concur in the content of this filing and have authorized the electronic filing thereof.

/s/ Bryan Kemnitzer
BRYAN KEMNITZER

ORDER

Good cause appearing, and based upon the stipulation of the parties above, the Court Orders as follows:

1. The August 6, 2018 Status Conference re Stay shall be continued to **November 5, 2018** at 1:30 p.m. to allow for the parties to conduct further settlement negotiations.
2. The parties shall file a Joint Status Statement not later than ten (10) Court days prior to the continued Status Conference.

SO ORDERED

Dated: July 30, 2018


WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE