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 15 and L&P Financial Services Co.

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

18
 19 Case No. 2:15-cv-01911-JAM-EFB

20 EDGAR MORALES, SALVADOR MAGAÑA, AND
 MATTHEW BAGU on behalf of themselves, the State
 21 of California, and all other similarly situated
 individuals,

**STIPULATION AND ORDER TO RE-
 SET CLASS CERTIFICATION
 SCHEDULE**

22 **PLAINTIFFS,**

23 v.

23 LEGGETT & PLATT INCORPORATED, a Missouri
 Corporation, L&P FINANCIAL SERVICES CO., a
 24 Delaware Corporation, and DOES 2-20, inclusive,

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 26 **DEFENDANTS.**
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1 The Parties to the above-entitled action, through their respective counsel of record, submit
2 this Stipulation and Proposed Order to re-set the briefing schedule and hearing date for Plaintiffs’
3 motion for class certification. There is good cause for modifying the existing schedule, and the
4 need to do so is no fault of either party.

5 The Parties have diligently pursued discovery in this matter. Plaintiffs have served written
6 discovery and have taken depositions of persons designated to testify on behalf of the defendant
7 entities. Defendants have produced a large set of time and payroll records of putative class
8 members, as well as various policy-oriented documents. A significant portion of class member
9 records is electronic, and these records have been produced. However, time records for a
10 significant portion of the class period are only available in paper form, and production of those
11 records could not be produced until August 23, 2017.

12 Due to scheduling conflicts and the additional time required to produce records, Plaintiffs
13 were not able to proceed with the deposition of the entity defendants on certain timekeeping and
14 payroll topics until September 12 and 13, 2017. Further, Plaintiffs have not yet completed the
15 analysis and processing of data necessary for class certification, in particular the analysis of paper
16 records which are being converted to electronic format to be used efficiently in litigation. In
17 addition, the Parties are scheduling the deposition of named plaintiffs, which Defendants prefer to
18 occur prior to class certification. Finally, a number of documents responsive to discovery have
19 been identified in deposition. The Parties are meeting and conferring regarding the production of
20 these additional documents and anticipate that additional time is needed in order to complete this
21 production.

22 Despite the exercise of diligence in pursuing discovery, the Parties are still working to
23 complete discovery necessary for class certification. As such, the Parties respectfully request a
24 continuance of all existing dates as proposed in the schedule below, or on a schedule that is suitable
25 to the Court.

	<u>Current Date</u>	<u>New Date</u>
26 Moving Papers:	9/29/17	11/6/17
27 Opposition:	10/27/17	12/8/17

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Reply: 11/17/17 12/29/17
Hearing: 12/5/17 1/16/18

Respectfully submitted,

DATED: September 27, 2017

MALLISON & MARTINEZ

By: /s/Marco A. Palau
Marco A. Palau
Attorneys for PLAINTIFFS

DATED: September 27, 2017

SHOOK HARDY & BACON L.L.P.

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ORDER

For good cause appearing, the briefing schedule and hearing date on Plaintiffs’ motion for class certification is continued as follows:

	<u>Current Date</u>	<u>New Date</u>
Moving Papers:	9/29/17	11/6/17
Opposition:	10/27/17	12/8/17
Reply:	11/17/17	12/29/17
Hearing:	12/5/17	1/16/18 at 1:30 p.m.

IT IS SO ORDERED.

Dated: 9/27/2017

/s/ John A. Mendez
U. S. District Court Judge