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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CRAIG BROWNFIELD, an individual, and
on behalf of all others similarly situated; C.A.
BREADMAN, a business entity; CARLOS
GARIBAY, an individual; JIMMY
HERRERA, an individual; MIKE
HERNANDEZ, an individual; NICK
HERNANDEZ, an individual; ANTHONY
TAVAREZ, an individual; SYLVIE
SERRANO, an individual,

Plaintiffs,

v.

FLOWERS BAKING CO. OF
CALIFORNIA, LLC, a limited liability
company; and DOES 1 through 100,
inclusive,

Defendants.

CASE NO. 2:15-cv-02034-JAM-AC

**STIPULATION AND ORDER TO
CONTINUE TRIAL AND MODIFY
SCHEDULING ORDER**

Complaint Filed: September 28, 2015
Trial Date: September 11, 2017
Judge: Hon. John A. Mendez

1 Plaintiffs Craig Brownfield, CA Breadman, Carlos Garibay, Jimmy Herrera, Mike
2 Hernandez, Nick Hernandez, and Anthony Tavarez (collectively, the “Represented Plaintiffs”)¹
3 and Defendant Flowers Baking Co. of California, LLC (“Defendant”), by and through their
4 undersigned counsel, hereby respectfully submit the following Stipulation and [Proposed] Order
5 to Continue Trial and Modify Scheduling Order. As outlined below, the parties request that the
6 trial be continued from September 11, 2017 to a date in late June 2018, to permit the parties to
7 coordinate the discovery deadlines in the instant action with *Johnson v. Flowers Baking Co. of*
8 *California, LLC* (USDC ED CA Case No. 1:16-cv-00840-JAM), and *Porreca, et al. v. Flowers*
9 *Baking Co. of California, LLC*, USDC ED CA Case No. 1:15-cv-00732-DAD (*Porreca* Dkt. 73).²

10 The Mellen Law Firm is currently representing the Represented Parties in this case, one
11 plaintiff in the related case *Johnson* case, and 17 individuals and 13 related entities in the *Porecca*
12 case. Although it is expected that many of the depositions will be relevant to all three cases, the
13 various case deadlines in the three cases are separated by a number of months. In an effort to
14 better coordinate expert disclosures, motion practice, and discovery in the three cases, the parties
15 wish to have one set of discovery deadlines that apply to all three cases.

16 Moreover, although written discovery is underway and a number of depositions have
17 already been taken, the Mellen Law Firm has had some personnel changes and is otherwise facing
18 a number of staffing challenges in connection with the prosecution of the three cases involving 24
19 individual plaintiffs. Two law firms experienced in wage and hour litigation – Keller Grover LLP
20 and Law Offices of Scot D. Bernstein, A Professional Corporation – have agreed to associate in
21 as counsel; however, the two main attorneys from Keller Grover that would be involved in these
22 actions – Eric A. Grover and Robert Spencer – already have a September 11, 2017 Phase II
23 damage trial set in Alameda County Superior Court. In addition, Mr. Grover has a pre-paid
24 family vacation scheduled for August 4-20, 2017. Unless the trial date is continued, Messers.
25 Grover and Spencer will not be available to try this action.

27 ¹ The Mellen Law Firm no longer represents plaintiff Sylvie Serrano. (Dkt. 27.)

28 ² The *Porreca* case involves 17 individual plaintiffs and 13 related entities. Counsel for the
parties herein represent the parties in *Porreca*.

STIPULATION

WHEREAS, for the reasons outlined above, the parties request that that the deadlines for disclosing experts, disclosing rebuttal experts, and the discovery cutoff date, all be continued to the same dates for each event in the *Porreca* case, namely October 2, 2017 (expert disclosure), October 16, 2017 (rebuttal expert disclosure), and November 22, 2017 (discovery cutoff), and that the dispositive motion deadline be continued to January 12, 2018, to avoid a flurry of briefing over the 2017 holidays.

WHEREAS, for the reasons outlined above, the parties request that the September 11, 2017 trial date be continued to a date on or after June 18, 2018.

NOW THEREFORE, the parties agree and stipulate to the new deadlines below:

	Current Deadline:	New Deadline:
Expert Disclosures:	February 17, 2017	October 2, 2017
Supplemental/Rebuttal Discl:	March 3, 2017	October 16, 2017
Discovery Cutoff:	April 3, 2017	November 22, 2017
Last Day to File Dispositive Motions:	May 8, 2017	January 12, 2018
Hearing date for dispositive motions:		February 13, 2018 at 1:30 p.m.
Joint Pretrial Statement due:	July 7, 2017	April 13, 2018
Final Pretrial Conference:	July 14, 2017 at 11:00 a.m.	April 20, 2018 at 10:00 a.m.
Trial:	September 11, 2017 at 9:00 a.m.	June 18, 2018 at 9:00 a.m.

1 Dated: February 13, 2017

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2
3 By /s/ Sarah Shapero
4 MATTHEW MELLEN
5 SARAH SHAPERO

6 Attorneys for Plaintiffs

7 Dated: February 13, 2017

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

8
9 By /s/ Brian D. Berry
10 ROBERT A. JONES
11 BRIAN D. BERRY
12 JARTED L. PALMER

13 Attorneys for Defendant
14 FLOWERS BAKING CO. OF CALIFORNIA,
15 LLC

SIGNATURE ATTESTATION

16 I attest that I have obtained concurrence in the filing of this document from the other signatories.

17
18 Dated: February 13, 2017

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19
20 By /s/ Sarah Shapero
21 MATTHEW MELLEN
22 SARAH SHAPERO

23 Attorneys for Plaintiffs
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ORDER

IT IS SO ORDERED AS MODIFIED BY THE COURT.

Dated: February 13, 2017

/s/ John A. Mendez
Honorable John A. Mendez
United States District Court Judge