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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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

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

**STIPULATION AND [PROPOSED]
 ORDER RE FILING OF SECOND
 AMENDED COMPLAINT AND
 CONSOLIDATION OF PLAINTIFF
 JOHNSON IN THIS ACTION**

Plaintiffs,

v.

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

Defendants.

1 Plaintiffs Craig Brownfield, CA Breadman, Carlos Garibay, Jimmy Herrera, Mike
2 Hernandez, Nick Hernandez, Anthony Tavaréz, and Donald Johnson (collectively, the
3 “Represented Plaintiffs”)¹ and Defendant Flowers Baking Co. of California, LLC (“Defendant”),
4 by and through their undersigned counsel, hereby respectfully submit the following Stipulation
5 and [Proposed] Order to allow for the filing of a Second Amended Complaint and to dismiss
6 Plaintiff Donald Johnson’s lawsuit (USDC ED CA Case No. 2:16-cv-00840-JAM-AC) without
7 prejudice and add his claims to this case by way of the Second Amended Complaint.

8 **STIPULATION**

9 WHEREAS, the Represented Plaintiffs desire to clarify certain allegations contained in
10 the First Amended Complaint.

11 WHEREAS, the parties agree that it would be desirable to include the claims of Plaintiff
12 Donald Johnson, USDC ED CA Case No. 2:16-cv-00840-JAM-AC, in this action and dismiss the
13 *Johnson* action without prejudice.

14 NOW THEREFORE, the parties stipulate and agree that:

- 15 1. The Represented Plaintiffs shall file the Second Amended Complaint attached hereto
16 as **Exhibit A** within five days of the Court’s approval of this Stipulation.
- 17 2. Plaintiff Johnson will dismiss his action (USDC ED CA Case No. 2:16-cv-00840-
18 JAM-AC) without prejudice within five court days of the filing of the Second
19 Amended Complaint.
- 20 3. Defendant will file an answer within 30 days from the filing of the Second Amended
21 Complaint. Defendant’s answer may include new affirmative defenses.
- 22 4. Defendant shall retain the right to seek the deposition of a Represented Plaintiff in
23 connection with any new claims or causes of action contained in the Second Amended
24 Complaint that were not covered in a Representative Plaintiff’s original deposition.

25 **IT IS SO STIPULATED.**

26
27 ¹ Plaintiff Sylvie Serrano is not represented by counsel. (Dkt. 27.) Defendant has moved for
28 Plaintiff Serrano’s action to be dismissed and a ruling on that motion is pending. (See Dkts. 37-
38, 42, 44.)

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Dated: September 7, 2017

KELLER GROVER LLP

By /s/ Eric A. Grover
ERIC A. GROVER
ROBERT SPENCER

Attorneys for Plaintiffs

Dated: September 7, 2017

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

By /s/ Brian D. Berry
BRIAN D. BERRY
JARTED L. PALMER

Attorneys for Defendant
FLOWERS BAKING CO. OF CALIFORNIA,
LLC

SIGNATURE ATTESTATION

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

Dated: September 7, 2017

KELLER GROVER LLP

By /s/ Eric A. Grover
ERIC A. GROVER
ROBERT SPENCER

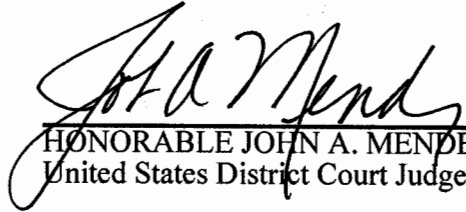
Attorneys for Plaintiffs

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ORDER

IT IS SO ORDERED.

Dated: September 7, 2017



HONORABLE JOHN A. MENENDEZ
United States District Court Judge