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11  
12 *Attorneys for Plaintiffs*

13 **UNITED STATES DISTRICT COURT**  
 14 **EASTERN DISTRICT OF CALIFORNIA**

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

21 Plaintiffs,

22 v.

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

25 Defendants.

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

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

Complaint Filed: September 28, 2015  
 Trial Date: June 18, 2018  
 Judge: Hon. John A. Mendez

1 Plaintiffs Craig Brownfield, CA Breadman, Carlos Garibay, Jimmy Herrera, Mike  
2 Hernandez, Nick Hernandez, Anthony Tavarez, and Donald Johnson (collectively, the  
3 “Represented Plaintiffs”)<sup>1</sup> and Defendant Flowers Baking Co. of California, LLC (“Defendant”)  
4 (collectively, the “Parties”), by and through their undersigned counsel, hereby respectfully submit  
5 the following Second Stipulation and [Proposed] Order to Continue Trial and Modify Scheduling  
6 Order. As outlined below, the Parties request that the trial be continued from June 18, 2018 to a  
7 date in November 2018, to permit the Parties to complete the remaining discovery and allow for  
8 time to parties in this case and *Porreca, et al. v. Flowers Baking Co. of California, LLC*, USDC  
9 ED CA Case No. 1:15-cv-00732-DAD (“*Porreca*”) to engage in a global mediation before the  
10 deadline to complete costly expert reports and the last day to file dispositive motions.<sup>2</sup>

11 By Order dated February 13, 2017, the Court continued the trial date from September 11,  
12 2017 to June 18, 2018. Since that time, the Parties in this case and *Porecca* have engaged in  
13 extensive discovery, including the taking of 27 depositions. The Parties expect to have all non-  
14 expert discovery completed by December 31, 2017. With discovery winding down, the parties  
15 have met and conferred and agreed to attempt a global mediation of all claims and causes of action  
16 in both this case and *Porecca*. The Parties are currently working on getting a mediation set over  
17 two or three days in the first quarter of 2018.<sup>3</sup>

18 In the meantime, the Parties would like to avoid what collectively would be a six-figure  
19 expense to engage experts to prepare disclosures and reports by the current October 2, 2017  
20 deadline. The Parties would rather focus on possible settlement and only turn to the expert  
21 disclosures in the event not all of the individual Plaintiffs resolve their actions through mediation.  
22 Similarly, the Parties would like to save the time and expense of preparing and filing dispositive  
23 motions by the current January 12, 2018 deadline, as their respective resources would be better  
24 spent attempting to resolve all or least some of the plaintiffs’ claims in the two cases.

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

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

<sup>3</sup> The mediators the parties are considering have availability in the first quarter of 2018.

1 **STIPULATION**

2 WHEREAS, the Parties have been actively and diligently engaged in discovery,  
3 cooperatively conducting extensive discovery without the need of court intervention;

4 WHEREAS, the Parties have conducted extensive written discovery, including  
5 propounding and responding to interrogatories, requests for admission and requests for  
6 production of documents;

7 WHEREAS, the Parties have produced nearly 500,000 pages of documents;

8 WHEREAS, 27 depositions have been conducted, some of which may require additional  
9 time to complete and at least another eleven individual depositions and 30(b)(6) depositions are  
10 being scheduled for the coming months;

11 WHEREAS, with discovery winding down, the Parties seek to engage in a productive  
12 mediation in the first quarter of 2018;

13 WHEREAS, for the reasons outlined above, the Parties request that that the deadlines for  
14 disclosing experts, disclosing rebuttal experts, the discovery and expert discovery cutoff dates,  
15 and the dispositive motion filing and hearing deadlines all be continued, as set forth below;

16 WHEREAS, for the reasons outlined above, the Parties request that the June 18, 2018 trial  
17 date be continued to a date on or after October 15, 2018; and

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

	<b>Current Deadline:</b>	<b>New Deadline:</b>
19 Expert Disclosures:	October 2, 2017	June 1, 2018
20 Supplemental/Rebuttal Discl:	October 16, 2017	June 15, 2018
21 Discovery Cutoff:	November 22, 2017	December 31, 2017
22 Last Day to File Dispositive Motions:	January 12, 2018	July 10, 2018
23 Hearing Date for Dispositive Motions	February 13, 2018 at 1:30 24 p.m.	August 7, 2018 at 1:30 25 p.m.
26 Joint Pretrial Statement due:	April 13, 2018	September 14, 2018
27 Final Pretrial Conference:	April 20, 2018 at 10:00 28 a.m.	September 21, 2018 at 10:00 a.m.

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Trial: June 18, 2018 at 9:00 a.m. October 29, 2018 at 9:00 a.m.

Dated: September 8, 2017

**KELLER GROVER LLP**

By: /s/ Eric A. Grover  
ERIC A. GROVER  
ROBERT SPENCER  
  
Attorneys for Plaintiffs

Dated: September 8, 2017

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

By: /s/ Brian D. Berry  
BRIAN D. BERRY  
JARED 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 8, 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 AS MODIFIED BY THE COURT.**

Dated: 9/11/2017

/s/ John A. Mendez  
HONORABLE JOHN A. MENDEZ  
United States District Court Judge

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