

DOWNEY BRAND LLP

1 DOWNEY BRAND LLP
 2 CASSANDRA M. FERRANNINI (Bar No. 204277)
 3 KATIE L. PATTERSON (Bar No. 266023)
 4 621 Capitol Mall, 18th Floor
 5 Sacramento, CA 95814-4731
 Telephone: (916) 444-1000
 Facsimile: (916) 444-2100
 cferrannini@downeybrand.com
 kpatterson@downeybrand.com

6 Attorneys for Defendant
 7 SUGAR TRANSPORT OF THE NORTHWEST, INC.

8 UNITED STATES DISTRICT COURT
 9 EASTERN DISTRICT OF CALIFORNIA

11 RYAN GUINN, an individual, on behalf of
 12 himself, and on behalf of all other persons
 similarly situated,

13 Plaintiffs,

14 v.

15 SUGAR TRANSPORT OF THE
 16 NORTHWEST, INC.; BRONCO WINE
 17 COMPANY, a California corporation;
 18 CLASSIC WINES OF CALIFORNIA, a
 California corporation, a California
 corporation, and DOES 1 through 100,

19 Defendants.

Case No. 2:16-cv-00325-WBS-EFB

CLASS ACTION

**STIPULATION AND [PROPOSED]
 ORDER FOR LIMITED EXTENSION OF
 DISCOVERY-RELATED DEADLINES**

20 COME NOW, Plaintiff, RYAN GUINN (“Plaintiff”), and Defendants, SUGAR
 21 TRANSPORT OF THE NORTHWEST, INC. (“Sugar Transport”), BRONCO WINE
 22 COMPANY and CLASSIC WINES OF CALIFORNIA (“Bronco”) (collectively “Defendants”)
 23 (hereafter, when referenced in a collective manner, Plaintiff and Defendants will be referred to
 24 collectively as “the Parties”), by and through their respective attorneys of record, and they hereby
 25 stipulate and agree as follows:

26 WHEREAS, on June 17, 2016, the Court entered a scheduling order, titled “Status
 27 (Pretrial Scheduling) Order” Document 22;

28 WHEREAS, on January 24, 2017, the Court, on Plaintiff’s motion, entered an order

1 granting Plaintiff leave to amend his complaint in this Case to add two additional defendants,
2 Bronco Wine Company and Classic Wines of California;

3 WHEREAS, on February 24, 2017, the Court entered a stipulated order, titled “Stipulation
4 and Order Extending Scheduling Order,” Document 61, revising the Scheduling Order in this
5 Case;

6 WHEREAS, on May 17, 2017, the Court entered a stipulated order, titled “Stipulation and
7 Order Further Amending Scheduling Order and Extending Scheduling Date for Filing Motion for
8 Class Certification,” Document 69 (“Further Amended Scheduling Order”), further revising the
9 scheduling order in this Case;

10 WHEREAS, on November 30, 2017, the Court entered a stipulated order, titled
11 “Stipulation and Order Amending Scheduling Order” Document 77, further revising the
12 scheduling order in this Case (the “Scheduling Order”). Per the current Scheduling Order, the
13 deadline for the Parties to complete all discovery and to file any discovery-related motions is
14 April 19, 2018;

15 WHEREAS, the Parties have engaged in discovery, and Defendant Sugar Transport
16 propounded Requests for Production, Set One on Bronco on February 28, 2018. The Requests
17 were designed to allow Sugar Transport to obtain documents relevant to its defense that it does
18 not owe Plaintiff overtime under the Motor Carrier Exemption to the FLSA. Bronco served
19 responses on April 2, 2018, objecting on the grounds that the requests were overbroad, unduly
20 burdensome, and not proportional to the needs of the case, amongst other objections. After
21 meeting and conferring, the Parties have agreed to narrow the scope of the requests. Even so
22 narrowed, Bronco represents that the responsive documents are voluminous (“Bronco
23 Production”). Sugar Transport has noticed the depositions of Byron Baker and Larry Mitts for
24 April 16 and 17, 2018 respectively. Sugar Transport requires the documents in the Bronco
25 Production in enough advance of these depositions to both copy and analyze them;

26 WHEREAS the Parties agree that it will take approximately three weeks for Sugar
27 Transport to copy and analyze the documents;

28 WHEREAS, given the volume of documents and the necessity of these outstanding

1 depositions, the Parties agree to allow the following discovery to continue beyond the April 19,
 2 2018, deadline set forth in the Scheduling Order: (1) The inspection and copying of documents
 3 responsive to Sugar Transport’s Requests for Production, Set One, to Bronco, as narrowed and
 4 limited by agreement of Bronco and Sugar Transport (“Document Inspection”); and (2) the
 5 depositions of Byron Baker and Larry Mitts (collectively “Depositions”).

STIPULATION

7 THEREFORE, the Parties hereby stipulate and agree to modify the “Stipulation and Order
 8 Amending Scheduling Order,” Document 77, as follows:

9 (1) The Parties agree to extend the deadline to complete the following specific
 10 discovery only:

- 11 • Sugar Transport’s Requests for Production, Set One, to Bronco, as limited
 12 by agreement by and between Sugar Transport and Bronco (“Document
 13 Inspection”); and
- 14 • Depositions of Byron Baker and Larry Mitts (collectively, “Depositions”).

15 (2) The Parties further agree that the deadline to complete the Document Inspection
 16 referenced in No. 1, above, shall be extended from April 19, 2018 to April 25, 2018. The
 17 deadline to complete the Depositions referenced in No. 1, shall be extended from April 19, 2018
 18 to May 4, 2018. The deadline to complete all other discovery, including written discovery and
 19 depositions, shall remain as April 19, 2018.

20 (3) The Parties further agree that the deadline for the Parties to move to compel the
 21 Document Inspection and Depositions referenced in No. 1, above, shall be extended from April
 22 19, 2018 to May 4, 2018. The deadline for the Parties to notice all other discovery-related
 23 motions shall remain as April 19, 2018.

24 (4) The Parties further understand and agree that they have stipulated to extend the
 25 above-referenced discovery deadlines only as to the Document Inspection and Depositions. By so
 26 stipulating, the Parties do not intend and do not agree to extend the discovery deadlines for any other
 27 purpose or to waive or continue any other deadlines in this matter.

1 IT IS SO STIPULATED.

2 DATED: April 12, 2018

DOWNEY BRAND LLP

3

4

By: /s/ Cassandra M. Ferrannini
CASSANDRA M. FERRANNINI
KATIE L. PATTERSON
Attorney for Defendant
SUGAR TRANSPORT OF THE NORTHWEST,
INC.

5

6

7

8

DATED: April 12, 2018

PAGANO & KASS, APC.

9

10

By: /s/ James L. Pagano (as authorized on 4/12/18)
JAMES L. PAGANO
IAN A. KASS
Attorney for Plaintiff
RYAN GUINN

11

12

13

14

DATED: April 12, 2018

RODARAKIS & SOUSA, APC

15

16

By: /s/ Brandy L. Barnes (as authorized on 4/12/18)
ERIC J. SOUSA
BRANDY L. BARNES
Attorney for Defendants
BRONCO WINE COMPANY AND CLASSIC
WINES OF CALIFORNIA

17

18

19

20

ORDER

21

GOOD CAUSE APPEARING, it is hereby ORDERED that:

22

(1) The “Stipulation and Order Amending Scheduling Order,” Document 77, shall be modified as follows:

23

24

(2) The deadline to complete discovery shall be extended as to the following specific discovery only:

25

26

- Sugar Transport’s Requests for Production, Set One, to Bronco, as limited by agreement by and between Sugar Transport and Bronco (“Document Inspection”);
- and

27

28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- Depositions of Byron Baker and Larry Mitts (collectively, "Depositions").

(3) The deadline to complete the Document Inspection referenced in No. 1, above, shall be extended from April 19, 2018 to **April 25, 2018**. The deadline to complete the Depositions referenced in No. 1, shall be extended from April 19, 2018 to **May 4, 2018**. The deadline to complete all other discovery, including written discovery and depositions, shall remain as April 19, 2018.

(4) The deadline for the Parties to move to compel the Document Inspection and Depositions referenced in No. 1, above, shall be extended from April 19, 2018 to **May 4, 2018**. The deadline for the Parties to notice all other discovery-related motions shall remain as April 19, 2018.

IT IS SO ORDERED.

DATED: April 16, 2018.


 EDMUND F. BRENNAN
 UNITED STATES MAGISTRATE JUDGE