1 2 3 4	Laura Clauson Ferree (SBN 258127) CALIFORNIA RURAL LEGAL ASSISTAN 511 D Street Marysville, CA 95901 Telephone: (530) 742-5191 Facsimile: (530) 742-0421 Iferree@crla.org	NCE, INC.
5	Cynthia L. Rice (SBN 87630)	
6	CALIFORNIA RURAL LEGAL ASSISTAT 1430 Franklin St., Suite 103	NCE, INC.
7	Oakland, CA 94612 Telephone: (510) 267-0762	
	Facsimile: (510) 267-0763 crice@crla.org	
8		
9	Javier J. Castro (SBN 306294) CALIFORNIA RURAL LEGAL ASSISTANCE, INC. 145 East Weber Avenue Stockton, CA 95202 Telephone: (209) 946-0605 Facsimile: (209) 946-5730 jcastro@crla.org	
10		
11		
12		
13	Additional Plaintiffs' Counsel listed on page 2 Attorneys for Plaintiffs	
14		
15	UNITED STATES DISTRICT COURT	
16	EASTERN DISTRICT OF CALIFORNIA	
17		
18	JESUS SILVA RODRIGUEZ &	CASE NO.: 2:16-cv-02523-WBS-CMK
19	RIGOBERTO ZEPEDA LOA,	STIPULATION & [PROPOSED] ORDER
20	Plaintiffs, v.	RE COLLECTIVE ACTION NOTICE PERIOD AND TOLLING OF FLSA
21	RCO REFORESTING, INC. &	STATUTE OF LIMITATIONS
22	ROBERTO OCHOA,	Hon. William B. Shubb
23	Defendants.	
24		
25		
26		

27

28

1	Elizabeth D. Mauldin (SBN 266905) CENTRO DE LOS DERECHOS DEL MIGRANTE, INC.		
2	10 E. North Avenue, #9		
3	Baltimore, Maryland 21202 Tel: (410) 783-0236		
4	Fax: (443) 817-0806 elizabeth@cdmigrante.org		
5	Benjamin R. Botts (SBN 274542)		
6	CENTRO DE LOS DERECHOS DEL MIGRANTE, INC. Nuevo León 159, Int. 101		
7	Col. Hipódromo, Del. Cuauhtémoc C.P. 06100 Ciudad de México, D.F., MEXICO		
8	Telephone: (855) 234-9699 Facsimile: (443) 817-0806		
9	ben@cdmigrante.org		
10			
11	On August 8, 2017, the Court ordered Defendants to produce to Plaintiffs the names,		
	addresses, and telephone numbers of potential class members within fourteen days. Defendants		
12	made an initial production of employee names and contact information to Plaintiffs on August		
13	23, 2013. Dkt. No. 42. This production, however, did not include contact information for most		
14	of the employees listed. Defendants made additional productions of contact information on		
15	August 31 and September 7, 2017. Defendants to date, however, have not produced any contact information for numerous employees; and for most employees, Defendants have not provided at		
16			
17	address other than the employee's Mexican state of residence.		
18	Accordingly, the parties agree that the FLSA collective action opt-in period set by the		
19	Court to expire six months after its August 8, 2017 order (i.e., by February 8, 2018) shall be		
20	extended two months, until April 9, 2018 to allow plaintiffs additional time to locate class		
21	members. See, e.g., Ott v. Publix Super Mkts., Inc., 298 F.R.D. 550, 558 (M.D. Tenn.		
22	2014) (extending opt-in period after many of class notices were returned to plaintiffs' counsel as		
23	undeliverable). All case deadlines listed in the Court's order of August 8, 2017 (Dkt. No. 42 at		
24	12) shall be extended two months, as follows:		
25	Expert Reports are due March 30, 2018;		
26	All discovery closes June 4, 2018;		

All motions shall be filed by June 18, 2018;

27

28

1		·	
2	The Final Pretrial Conference is reset for <b>September 24, 2018, at 1:30 p.m.</b>		
3	The jury trial is reset for <b>December 4, 2018, at 9:00 a.m.</b>		
4	Additionally, the parties agree that the statute of limitations under 29 U.S.C. § 255(a)		
5	applicable to potential opt-in class members' FLSA claims shall be tolled from August 8, 2017		
6	(the date the Court ordered production of the class list) through October 9, 2017. See, e.g.,		
7	Adams v. Inter-Con Sec. Sys., 242 F.R.D. 530, 542 (N.D. Cal. 2007) (equitably tolling FLSA		
	statute of limitations until Defendants provided complete class list). The parties agree that the		
8	time period between these dates shall not be considered in determining whether opt-in class		
9	members' FLSA claims are time barred.		
10			
11	Approved:		
12			
13		CENTRO DE LOS DERECHOS DEL MIGRANTE, INC. CALIFORNIA RURAL LEGAL ASSISTANCE, INC.	
14			
15	Dated: <u>10/4/2017</u>	By: /s/ Benjamin R. Botts	
16		Attorneys for Plaintiffs	
17			
18		PALMER KAZANJIAN WOHL HODSON LLP	
19			
20	Dated: <u>10/4/2017</u>	By: /s/ Eric Witt	
21		Attorneys for Defendants	
22			
23	Pursuant to stipulation, IT IS SO ORDERED.		
24	Dated: October 6, 2017	live of an experience	
25	·	WILLIAM B. SHUBB	
26		UNITED STATES DISTRICT JUDGE	
27			
-,			

28