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PARTY CITY CORPORATION

11
12 UNITED STATES DISTRICT COURT
13 EASTERN DISTRICT OF CALIFORNIA

14 ANTHONY MEDRANO and NICOLA
15 GALASSI, individually and on behalf of all
similarly situated individuals,

16 Plaintiffs,

17 v.

18 PARTY CITY CORPORATION, a Delaware
19 Corporation, and DOES 1 through 10, inclusive,

20 Defendants.

Case No.: 2:16-cv-02996-WBS-EFB

**STIPULATION AND [PROPOSED]
ORDER TO CONSOLIDATE CASES FOR
ALL PURPOSES**

Trial Date: April 10, 2018

21 JOAN PASINI, on behalf of herself and all
22 others similarly situated,

23 Plaintiffs,

24 v.

25 PARTY CITY CORPORATION; and DOES 1
through 10, inclusive,

26 Defendants.

Case No.: 2:17-CV-962-WBS-EFB

**STIPULATION AND [PROPOSED]
ORDER TO CONSOLIDATE CASES FOR
ALL PURPOSES**

Trial Date: Not Set

1 WHEREAS, on November 17, 2016, Plaintiffs Anthony Medrano (“Medrano”) and Nicola
2 Galassi (“Galassi”) filed a Class Action Complaint entitled *Anthony Medrano et al. v. Party City*
3 *Corporation*, Case No. STK-CV-UBT-2016-11712 in the Superior Court of the State of California
4 for the County of San Joaquin, alleging a single cause of action for violation of 15 U.S.C. §§ 1681
5 against Defendant Party City Corporation (“Party City”);

6 WHEREAS, on December 2, 2016, Party City removed the state court action to this Court,
7 where the case has been assigned Case No. 2:16-cv-02996-WBS-EFB;

8 WHEREAS, on May 7, 2017, Plaintiff Joan Pasini (“Pasini”) filed a Class Action Complaint
9 in this Court entitled *Joan Pasini v. Party City Corporation*, Case No. 2:17-CV-962-WBS-EFB,
10 alleging the same single cause of action for violation of 15 U.S.C. §§ 1681 *et seq.* against Defendant
11 Party City.

12 WHEREAS, on May 9, 2017, this Court deemed *Anthony Medrano v. Party City*
13 *Corporation*, Case No 2:16-cv-02996-WBS-EFB, and *Joan Pasini v. Party City Corporation*, Case
14 No. 2:17-CV-962-WBS-EFB, to be related.

15 WHEREAS, given the common issues of fact and law, Medrano, Galassi, Pasini, and Party
16 City (collectively the “Parties”) have hereto worked collaboratively on this matter including jointly
17 attending a mediation with Hon. Michael Latin (Ret.) on July 6, 2017 and participating in Party
18 City’s Fed. R. Civ. Proc. 30(b) deposition on August 29, 2017.

19 WHEREAS, Fed. R. Civ. P. 42 allows this Court consolidate “actions involving a common
20 question of law or fact”;

21 WHEREAS, the actions pending before this Court both involve common questions of law
22 and facts and consolidation would help avoid unnecessary cost and delay;

23 WHEREAS, the current deadline to disclose experts and produce reports in *Anthony*
24 *Medrano v. Party City Corporation*, Case No 2:16-cv-02996-WBS-EFB is September 8, 2017 and
25 other deadlines will be coming up shortly;

26 WHEREAS, pursuant to Federal Rule of Civil Procedure 14, Party City now intends to seek
27 leave of the Court to file a third-party complaint against third-parties to be joined in this lawsuit
28

1 within the next week;

2 THEREFORE, the Parties hereby stipulate and request that:

3 1. The Court consolidate the two pending actions for all purposes;

4 2. The Court order that all pleadings, motions, and other papers be filed in the Lead
5 Case, *Medrano v. Party City Corporation*, Case No. 2:16-cv-02996-WBS-EFB, with the caption
6 designating Case No. 2:16-cv-02996-WBS-EFB as the Lead Case, and containing the name and
7 number for the remaining case *Pasini v. Party City Corporation*, Case No. 2:17-CV-962-WBS-EFB
8 thereunder, with any such filing deemed to have been filed in all such cases; and

9 3. All pending deadlines previously set in *Medrano v. Party City Corporation*, Case No.
10 2:16-cv-02996-WBS-EFB shall apply to the consolidated case and such dates shall be continued by
11 180 days.

12 **SO STIPULATED**

13 DATED: September 7, 2017

Respectfully submitted,

FOX ROTHSCHILD LLP

14 By: /s/ Andrew W. Russell

15 DAVID F. FAUSTMAN

16 L. PETER RYAN

17 ANDREW W. RUSSELL

18 Attorneys for Defendant

PARTY CITY CORPORATION

19 DATED: September 7, 2017

Respectfully submitted,

GAINES & GAINES, APLC

20 By: /s/ Daniel Gaines (per confirming email of 9/6/17)

21 DANIEL F. GAINES

22 ALEX P. KATOFSKY

23 Attorneys for Plaintiffs

24 ANTHONY MEDRANO and NICOLA

GALASSI

25 DATED: September 7, 2017

Respectfully submitted,

CHANT & COMPANY

26 A Professional Law Corporation

27 By: /s/ Chant Yedalian (per confirming email of 9/6/17)

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CHANT YEDALIAN
Attorneys for Plaintiff
JOAN PASANI

ORDER

**HAVING CONSIDERED THE STIPULATION OF THE PARTIES, THE COURT
ORDERS AS FOLLOWS:**

1. The cases *Anthony Medrano v. Party City Corporation*, Case No 2:16-cv-02996-WBS-EFB and *Joan Pasini v. Party City Corporation*, Case No. 2:17-CV-962-WBS-EFB are hereby consolidated for all purposes;

2. All pleadings, motions, and other papers shall be filed in the Lead Case, *Medrano v. Party City Corporation*, Case No. 2:16-cv-02996-WBS-EFB, with the caption designating Case No. 2:16-cv-02996-WBS-EFB as the Lead Case, and containing the name and number for the remaining case *Pasini v. Party City Corporation*, Case No. 2:17-CV-962-WBS-EFB thereunder, with any such filing deemed to have been filed in all such cases; and


3. All pending deadlines previously set in *Medrano v. Party City Corporation*, Case No. 2:16-cv-02996-WBS-EFB shall apply to the consolidated case and such dates shall be continued by 180 days. The new deadlines shall be as follows:

Deadline to Disclose Experts:	March 7, 2018
Deadline to Disclose Rebuttal Expert Witnesses:	April 9, 2018
Discovery Completion Date:	May 8, 2018
Deadline for Filing of All Motions:	June 6, 2018
Final Pretrial Conference:	<u>August 27, 2018 at 1:30 p.m.</u>
Jury Trial Start Date:	<u>October 10, 2018 at 9:00 a.m.</u>

4. The September 11, 2017 Scheduling Conference now set in Case No. 2:17-CV-962-WBS-EFB is vacated.

IT IS SO ORDERED.

Dated: September 7, 2017


WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE