

1 Galen T. Shimoda (Cal. State Bar No. 226752)
 2 Justin P. Rodriguez (Cal. State Bar No. 278275)
Shimoda Law Corp.
 3 9401 East Stockton Blvd., Suite 200
 Elk Grove, CA 95624
 4 Telephone: (916) 525-0716
 Facsimile: (916) 760-3733
 Email: attorney@shimodalaw.com
jrodriguez@shimodalaw.com

6 Attorneys for Plaintiff SCARLETTE MEJIA
 on behalf of herself and similarly situated employees

8 **UNITED STATES DISTRICT COURT**
 9 **EASTERN DISTRICT OF CALIFORNIA**

11 SCARLETTE MEJIA, as an individual and on)
 behalf of all others similarly situated,)

12 Plaintiffs,)

14 vs.)

15 FARMLAND MUTUAL INSURANCE)
 COMPANY, an Iowa corporation;)
 16 FARMLAND MUTUAL INSURANCE CO,)
 an unincorporated association; NATIONWIDE)
 17 MUTUAL INSURANCE COMPANY, an)
 18 Ohio corporation; and DOES 1 to 100,)
 inclusive,)

20 Defendants.)

Case No. 2:17-cv-00570-TLN-KLN

CLASS ACTION

**STIPULATION & ORDER TO FILE A
 FIRST AMENDED COMPLAINT**

22 This Stipulation and proposed Order is entered into between Plaintiff SCARLETTE MEJIA
 23 (“Plaintiff”) and Defendants FARMLAND MUTUAL INSURANCE COMPANY, FARMLAND
 24 MUTUAL INSURANCE CO, and NATIONWIDE MUTUAL INSURANCE COMPANY (Hereinafter
 25 referred to as “Defendants”) (Plaintiff and Defendants all collectively, the “Parties”), by and through
 26 their counsel of record, as follows:
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1 WHEREAS Plaintiff initiated the above entitled action by filing a wage and hour putative class
2 action Complaint in the Superior Court of California for the County of Sacramento on February 3, 2017,
3 against Defendants;

4 WHEREAS Plaintiff has submitted a notice to the Labor and Workforce Development Agency
5 (“LWDA”) alleging claims under the Private Attorneys General Act (“PAGA”) on February 3, 2017 for
6 failure to provide accurate wage statements;

7 WHEREAS Defendants filed a notice of removal and removed this action to the United States
8 District Court for the Eastern District of California on March 16, 2017;

9 WHEREAS Plaintiff contends the LWDA has not responded regarding their intent to investigate
10 the noticed claims and, therefore, Plaintiff contends that she is statutorily authorized to act as a Private
11 Attorneys General on the noticed claims as of April 9, 2017;

12 WHEREAS Federal Rule of Civil Procedure 15(a)(2) permits a party to amend its pleading with
13 the opposing party’s written consent;

14 WHEREAS California Labor Code section 2699.3(a)(2)(C) provides that a plaintiff may as a
15 matter of right amend an existing complaint to add a cause of action arising under the PAGA at any time
16 within 60 days of the time periods specified in the PAGA;

17 WHEREAS the Parties have engaged in informal discovery regarding the applicability of ERISA
18 to Plaintiff’s First, Second, and Third Causes of Action and Plaintiff has agreed to dismiss those claims,
19 without prejudice, and with each side to bear their own fees and costs as to those claims;

20 WHEREAS neither Plaintiff nor her counsel are receiving any type or form of compensation for
21 the dismissal of the claims without prejudice;

22 WHEREAS Defendants have agreed to permit Plaintiff to file a First Amended Complaint, a true
23 and correct copy of which is attached hereto as **Exhibit A**;

24 WHEREAS Defendants deny the allegations in the proposed First Amended Complaint and are
25 not making any admission of any kind whatsoever in agreeing to this stipulation;

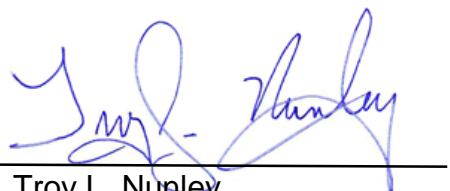
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27 IT IS HEREBY STIPULATED AND AGREED, by and between the Parties, subject to the
28 approval of the Court, as follows:

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3. Plaintiff's First Amended Complaint is deemed filed and served on Defendants, on the date of this Order; and
4. Defendants shall have thirty days from the date of entry of the Order hereon by the Court to file a responsive pleading.

FOR GOOD CAUSE SHOWN, IT IS SO ORDERED.

Dated: May 25, 2017



Troy L. Nunley
United States District Judge