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5 Attorneys for Plaintiff KELLY HOOVER

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 8 **IN THE UNITED STATES DISTRICT COURT**
 9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

10 _____
 11 KELLY HOOVER,)
)
 12 Plaintiff,)
)
 13 vs.)
)
 14 MOM365, INC. a Missouri Corporation;)
 15 and DOES 1 to 100, inclusive,)
)
 16 Defendants.)
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Case No. 2:17-cv-01328-TLN-CKD
STIPULATION & ORDER TO FILE A
FIRST AMENDED COMPLAINT

23
 24 This Stipulation and Proposed Order is entered into between Plaintiff KELLY HOOVER
 25 (“Plaintiff”) and Defendant MOM365, INC. (“Defendant”) (Plaintiff and Defendant all collectively,
 26 the “Parties”), by and through their counsel of record, as follows:
 27
 28

1 WHEREAS, Plaintiff initiated the above entitled action by filing a Complaint in this Court
2 on May 19, 2017, against Defendant regarding Plaintiff's individual wage and hour claims and
3 discrimination claims;

4 WHEREAS, Plaintiff submitted a letter notice of intent to bring claims under the Private
5 Attorneys General Act ("PAGA") to the Labor and Workforce Development Agency ("LWDA") on
6 May 17, 2017 via online filing and sent a copy of said notice to Defendant via certified mail on the
7 same day (hereinafter referred to as "PAGA Notice Letter");

8 WHEREAS, on June 19, 2017, Defendant timely served a "cure letter" to Plaintiff and the
9 LWDA pursuant to California Labor Code Section 2699.3(c) in a good faith attempt to cure the
10 unpaid sick leave claim asserted in Plaintiff's PAGA Notice Letter;

11 WHEREAS, Plaintiff submitted a response to Defendant's cure letter via on-line filing on
12 July 3, 2017 to contest Defendant's cure letter;

13 WHEREAS, more than 65 days have passed since Plaintiff has submitted the notice to the
14 LWDA and the LWDA has not provided any response to PAGA Notice Letter, nor has the LWDA
15 provided a response to Defendant's cure letter;

16 WHEREAS, Plaintiff contends that, after further investigation, Plaintiff has recently
17 discovered claims that she intends to pursue on a class wide basis;

18 WHEREAS Defendant has agreed to permit Plaintiff to file a First Amended Complaint to
19 include claims under the PAGA as well as class allegations, a true and correct copy of which is
20 attached hereto as **Exhibit A**;

21 WHEREAS, Defendant denies the allegations in the proposed First Amended Complaint and
22 is not making any admission of any kind whatsoever in agreeing to this stipulation. Further,
23 notwithstanding this stipulation, Defendant reserves the right to attack the pleadings, the applicable
24 statute of limitations on Plaintiff's newly added claims, and/or the merits of Plaintiff's newly added
25 putative class and PAGA claims based on, for example, Defendant's cure letter, among other
26 defenses available;

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

1 1. That the Court will enter an Order granting Plaintiff's leave to file the First Amended
2 Complaint, attached hereto as **Exhibit A**;

3 2. That upon the date of entry of the Order hereon by the Court, Plaintiff shall have 21
4 days to file and serve the First Amended Complaint; and

5 3. That Defendant shall have thirty (30) days from the date of service of the First
6 Amended Complaint to file a responsive pleading.

7
8 Respectfully submitted,

9 FORD & HARRISON LLP

10
11 DATED: August 31, 2017

12 By: /s/ Alexandria M. Witte
13 Alexandria M. Witte
14 (As authorized 8/29/17
15 Michelle B. Abidoye
16 Attorneys for Defendant MOM365, INC.

17
18 SHIMODA LAW CORP.

19
20 DATED: August 31, 2017

21 By: /s/ Justin P. Rodriguez
22 Galen T. Shimoda
23 Justin P. Rodriguez
24 Attorneys for Plaintiff KELLY HOOVER

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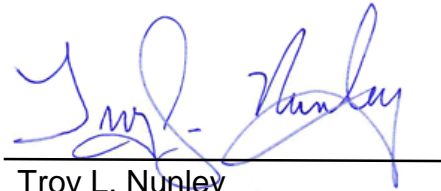
ORDER

The COURT, having considered the above stipulation, HEREBY ORDERS that:

1. Plaintiff's request for leave to file her First Amended Complaint is GRANTED;
2. Plaintiff shall have 21 days to file and serve the First Amended Complaint; and
3. Defendant shall have thirty (30) days from the date of service of the First Amended Complaint to file a responsive pleading.

FOR GOOD CAUSE SHOWN, IT IS SO ORDERED.

Dated: August 31, 2017



Troy L. Nunley
United States District Judge