

1 THE VELEZ LAW FIR, P.C.
MARK VELEZ (SBN 163484)
2 3010 Lava Ridge Court, Suite 180
Roseville, CA 95661
3 Telephone: (916) 686-6600
Facsimile: (916) 550-9509
4 Email: *velezlaw@live.com*

5 Attorneys for Plaintiff
KOFI KYEI

7 JACKSON LEWIS P.C.
JAMES T. JONES (SBN 167967)
8 400 Capitol Mall, Suite 1600
Sacramento, CA 95814
9 Telephone: (916) 341-0404
Facsimile: (916) 341-0141
10 E-mail: *james.jones@jacksonlewis.com*

11 Attorneys for Defendants
DRAGADOS USA, INC. and
12 LLOYD NEAL

13
14 UNITED STATES DISTRICT COURT
15 EASTERN DISTRICT OF CALIFORNIA
16 SACRAMENTO DIVISION
17

18 KOFI KYEI, an individual,

19 Plaintiff,

20 v.

21 DRAGADOS USA, INC., a Delaware
Corporation, LLOYD NEAL, an individual;
22 and DOES 1 through 100, inclusive.

23 Defendants.
24

Case No. 2:17-CV-01875-WBS-CKD

**STIPULATED NOTICE OF
CONDITIONAL SETTLEMENT**

25 Plaintiff Kofi Kyei (“Plaintiff”) and Defendants Dragados USA, Inc. and Lloyd Neal
26 (“Defendants”) (collectively, “the Parties”), by and through their undersigned counsel, hereby
27 stipulate and agree as follows:

28 ///

1 Counsel for Plaintiff, Mark Velez of The Velez Law Firm, PC, substituted into this case
2 on or about October 30, 2018;

3 Prior to Mr. Velez's substitution into the case, the deposition of Plaintiff Kofi Kyei was
4 postponed upon request from Plaintiff's former attorney of record because Plaintiff resides out of
5 state and Plaintiff's former counsel wanted to attempt to resolve the matter through negotiation
6 before incurring the expense of a deposition;

7 Thereafter, necessary depositions were completed, but the parties were not initially able to
8 resolve the matter without the assistance of a mediator, and a mediation was therefore held on
9 February 4, 2019;

10 An agreement in principle was reached at the mediation, but Plaintiff was, at the time
11 unable to sign a formal settlement agreement due to the fact that he was unexpectedly in the
12 hospital on the day of mediation and participated only telephonically;

13 Following the mediation, complications arose with regard to preparation of the full terms
14 of a formal written settlement, and, as the remaining issues related to non-monetary terms,
15 counsel for both parties were confident the remaining issues would be resolved, and counsel
16 worked diligently and cooperatively over the course of several weeks to finalize the terms of the
17 agreement;

18 On April 1, 2019, agreement was reached on the final terms of the formal settlement
19 agreement, and the settlement agreement was sent to Plaintiff for his signature;

20 Plaintiff resides out of state and is often in areas with limited phone service, and
21 Plaintiff's counsel is making diligent efforts to obtain return of the written agreement as
22 expeditiously as possible;

23 All parties presently believe the case is settled, and therefore request that the Court
24 postpone any filings that may be presently due, and request a brief continuance of the Pretrial
25 Conference for the purposes of finalizing the settlement.

26 The parties are requesting thirty (30) days to file a Stipulated Dismissal.

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

The parties are requesting the pretrial conference to be continued to May 7, 2019 or thereafter.

Dated: April 4, 2019

THE VELEZ LAW FIRM PC

By: /s/ Mark Velez [04/04/2019]
Mark Velez
Attorneys for Plaintiff
KOFI KYEI

Dated: April 4, 2019

JACKSON LEWIS P.C.

By: /s/ James T. Jones [04/04/2019]
James T. Jones
Attorneys for Defendants
DRAGADOS USA, INC. and LLOYD NEAL


ORDER

Based upon the foregoing stipulation of the Parties, and good cause appearing therefor,

IT IS HEREBY ORDERED:

The parties are to provide a Stipulated Dismissal within thirty (30) days of the date of this Order, and no later than **May 6, 2019**. The final Pretrial Conference is continued to **May 13, 2019 at 1:30p.m.** If the stipulated dismissal is not filed by May 6, 2019, the related Pretrial filings are due as follows: Plaintiff's pretrial statement shall be filed by **May 6, 2019**. Defendants' pretrial statement shall then be filed by **May 9, 2019**.

Dated: April 5, 2019



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE