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19 Attorneys for Defendant GREYHOUND LINES, INC.

20 **UNITED STATES DISTRICT COURT**
 21 **EASTERN DISTRICT OF CALIFORNIA**

22 JUSTIN SMITH, individually and on behalf) 23 of all others similarly situated,) 24 25 Plaintiffs,) 26 27 vs.) 28 29 GREYHOUND LINES, INC., a Delaware) 30 Corporation; and DOES 1 to 100, inclusive,) 31 32 Defendants.)	22 Case No. 2:17-CV-02238-TLN-AC 23 24 STIPULATION AND ORDER TO 25 CONTINUE MOTION TO REMAND 26 AND MOTION TO STAY 27 28 29 30 31 32 Complaint Filed: September 15, 2017
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33 This Stipulation and proposed Order is entered into between Plaintiff JUSTIN SMITH
 34 (“Plaintiff”) and Defendant GREYHOUND LINES, INC. (“Defendant”) (Plaintiff and Defendant all
 35 collectively, the “Parties”), by and through their counsel of record, as follows:

1 WHEREAS Plaintiff filed a Class Action against Defendant in the Superior Court of California
2 for the County of Sacramento, Case No. 34-2017-00219188 on September 15, 2017;

3 WHEREAS Defendant removed Plaintiff's Action to the United States Superior Court for the
4 Eastern District of California and filed a Notice of Removal on October 25, 2017;

5 WHEREAS Defendant filed a Notice of Related Cases on October 25, 2017 wherein Defendant
6 alleged that an action previously filed in the Alameda County Superior Court, Case No. RG16815313 by
7 Plaintiff Robnesha Scott against Defendant was related to Plaintiff's Action;

8 WHEREAS Plaintiff filed a Motion to Remand on November 21, 2017 and the Hearing for that
9 Motion is scheduled for January 11, 2018 at 2:00 p.m. in Courtroom 2, 15th Floor of the United States
10 District Court for the Eastern District of California;

11 WHEREAS Defendant filed a Motion to Stay the Action on November 21, 2017 and the Hearing
12 for that Motion is scheduled for January 11, 2018 at 2:00 p.m. in Courtroom 2, 15th Floor of the United
13 States District Court for the Eastern District of California;

14 WHEREAS Defendant has not yet filed an opposition to Plaintiff's Motion to Remand;

15 WHEREAS Plaintiff has not yet filed an opposition to Defendant's Motion to Stay the Action;

16 WHEREAS Defendant's counsel has represented to Plaintiff's counsel that it attended a
17 mediation of the Alameda County State Court case and is working to finalize a settlement in a related
18 case that includes settlement of the class action claims Plaintiff alleged in his Complaint;

19 WHEREAS the Parties agree it is in their best interest to continue the motion hearings in this
20 case pending a finalized settlement agreement that Defendant has represented settles the class action
21 claims Plaintiff alleged, which would otherwise render Plaintiff's class claims moot;

22 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the
23 Parties, subject to the approval of the Court, as follows:

24 1. That the Court will continue Plaintiff's Motion to Remand Hearing currently set for 2:00
25 p.m. on January 11, 2018 to 2:00 p.m. on March 22, 2018;

26 2. That the Court will continue Defendant's Motion to Stay Hearing currently set for 2:00
27 p.m. on January 11, 2018 to 2:00 p.m. on March 22, 2018;

1 3. That all opposition and reply briefs due to be filed in connection with the Motion to
2 Remand and/or Motion to Stay will be now be due based on the newly set hearing dates and in
3 accordance with Local Rules; and

4 4. That nothing in this stipulation and proposed order, or the act of entering into this
5 stipulation and proposed order, shall prejudice Plaintiff or Defendant in any argument they may
6 otherwise make in the opposition and/or reply briefs.

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8 **Shimoda Law Corp.**

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10 Dated: December 18, 2017

By: /s/ Justin P. Rodriguez
Galen T. Shimoda
Justin P. Rodriguez
Attorneys for Plaintiff

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15 LITTLER MENDELSON, P.C.

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17 Dated: December 18, 2017

By: /s/ David J. Dow
David J. Dow
(as authorized on 12/18/17)
Kelsey E. Papst
Attorneys for Defendant

1 **ORDER**

2 The COURT, having considered the above stipulation and finding good cause, HEREBY
3 ORDERS that:

4 1. Plaintiff's Motion to Remand Hearing currently set for 2:00 p.m. on January 11, 2018 is
5 continued to 2:00 p.m. on March 22, 2018;

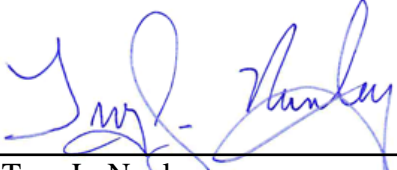
6 2. Defendant's Motion to Stay Hearing currently set for 2:00 p.m. on January 11, 2018 is
7 continued to 2:00 p.m. on March 22, 2018;

8 3. All opposition and reply briefs due to be filed in connection with the Motion to Remand
9 and/or Motion to Stay will be now be due based on the newly set hearing dates and in accordance with
10 Local Rules; and

11 4. Nothing in this stipulation order, or the act of entering into this stipulation and order,
12 shall prejudice Plaintiff or Defendant in any argument they may otherwise make in the opposition and/or
13 reply briefs.

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15 IT IS SO ORDERED.

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17 Dated: December 18, 2017

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20 Troy L. Nunley
21 United States District Judge
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