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19 Attorneys for Defendant GREYHOUND LINES, INC.

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

22 _____)
 23 JUSTIN SMITH, individually and on behalf)
 24 of all others similarly situated,)
 25)
 26 Plaintiffs,)
 27)
 28 vs.)
 29)
 30 GREYHOUND LINES, INC., a Delaware)
 31 Corporation; and DOES 1 to 100, inclusive,)
 32)
 33 Defendants.)
 34)
 35 _____)

36 **Case No. 2:17-CV-02238-TLN-AC**
 37 **STIPULATION AND ORDER TO**
 38 **CONTINUE MOTION TO REMAND**
 39 **AND MOTION TO STAY**

40 Complaint Filed: September 15, 2017

1 This Stipulation and proposed Order is entered into between Plaintiff JUSTIN SMITH
2 (“Plaintiff”) and Defendant GREYHOUND LINES, INC. (“Defendant”) (Plaintiff and Defendant all
3 collectively, the “Parties”), by and through their counsel of record, as follows:

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

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

8 WHEREAS Plaintiff filed a Motion to Remand on November 21, 2017 and the Hearing for that
9 Motion is scheduled for June 28, 2018 at 2:00 p.m. in Courtroom 2, 15th Floor of the United States
10 District Court for the Eastern District of California per the Court’s order entered on March 5, 2018
11 extending the hearing date;

12 WHEREAS Defendant filed a Motion to Stay the Action on November 21, 2017 and the Hearing
13 for that Motion is scheduled for June 28, 2018 at 2:00 p.m. in Courtroom 2, 15th Floor of the United
14 States District Court for the Eastern District of California per the Court’s order entered on March 5,
15 2018 extending the hearing date;

16 WHEREAS Defendant has not yet filed an opposition to Plaintiff’s Motion to Remand;

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

18 WHEREAS the Parties are engaged in settlement discussions and Parties agree it is in their best
19 interest to further continue the motion hearings in order to facilitate settlement;

20 WHEREAS a ruling on the pending motions prior to a final determination between the Parties on
21 whether settlement can be achieved will negatively affect the prospect of resolution.

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 June 28, 2018 to 2:00 p.m. on July 26, 2018;

26 2. That the Court will continue Defendant’s Motion to Stay Hearing currently set for 2:00
27 p.m. on June 28, 2018 to 2:00 p.m. on July 26, 2018;

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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.

7
8 **Shimoda Law Corp.**

9
10 Dated: June 6, 2018

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: June 6, 2018

By: /s/ David J. Dow

David J. Dow
(as authorized on 6/6/18)
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 June 28, 2018 is
5 continued to 2:00 p.m. on July 26, 2018;

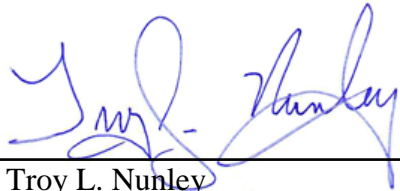
6 2. Defendant's Motion to Stay Hearing currently set for 2:00 p.m. on June 28, 2018 is
7 continued to 2:00 p.m. on July 26, 2018;

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.

14
15 IT IS SO ORDERED.

16 Dated: June 7, 2018

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20 Troy L. Nunley
United States District Judge