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14 **Attorneys for Plaintiff Desiree Duran and the Putative Class**

15 **UNITED STATES DISTRICT COURT**

16 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

17 **DESIREE DURAN, an individual,**

18 **Plaintiff,**

19 **vs.**

20 **PEOPLE 2.0 NORTH AMERICA LLC; and**
21 **DOES 1-100, inclusive,**

22 **Defendants.**

23 **Case No.: 2:17-cv-02546-JAM-EFB**

24 **STIPULATION AND ORDER RE FILING OF**
25 **FIRST AMENDED COMPLAINT**

26 **STIPULATION**

27 **IT IS HEREBY STIPULATED by and between the parties hereto as follows:**

28 1. On November 14, 2017, Plaintiff submitted a letter to the California Labor and Workforce Development Agency (“LWDA”), pursuant to the California Private Attorneys General Act of 2004 (“PAGA”, Cal. Lab. Code, § 2698, *et seq.*).

1. Pursuant to California Labor Code section 2699.3, subdivision (a)(2)(A), if the LWDA does not provide notice within 65 days (no later than January 18, 2018) that it intends to

1 investigate the alleged Labor Code violations, Plaintiff may commence a civil action to seek civil
2 penalties on her behalf and behalf of other aggrieved employees, current and former, pursuant to
3 the PAGA. Cal. Lab. Code, § 2699.3, subd. (a)(2)(A).

4 3. To date, the LWDA has not provided notice that it intends to investigate the
5 violations alleged by Plaintiff.

6 4. The parties hereby stipulate that Plaintiff may file a First Amended Complaint,
7 adding a Third Cause of Action pursuant to the PAGA.

8 5. The parties further stipulate that Defendant shall have 30 days from service of the
9 First Amended Complaint to file a responsive pleading thereto.

10 6. This stipulation is entered into in furtherance of judicial economy, and is not for the
11 purpose of delay.

12 ///

13 **DATED:** February 5, 2018

MAYALL HURLEY P.C.

14
15 By /s/ John P. Briscoe
16 ROBERT J. WASSERMAN
17 WILLIAM J. GORHAM, III
18 NICHOLAS J. SCARDIGLI
19 JOHN P. BRISCOE
Attorneys for Plaintiff and the Putative Class

19 **DATED:** February 5, 2018

LITTLER MENDELSON, P.C.

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21 By /s/ Laura E. Hayward
22 R. BRIAN DIXON
23 LAURA E. HAYWARD
24 Attorneys for Defendant
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1 **ORDER**

2 Having reviewed the terms of the parties' above stipulation, and for good cause showing, IT
3 IS HEREBY ORDERED that Plaintiff may file a First Amended Complaint to add a Third Cause
4 of Action under the Private Attorneys General Act of 2004 ("PAGA"), and that Defendant shall file
5 a responsive pleading within 30 days from service of that First Amended Complaint.

6 IT IS SO ORDERED.

7
8 **DATED:** 2/5/2018

/s/ John A. Mendez
UNITED STATES DISTRICT COURT JUDGE