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 Central Transport, LLC  
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9 **UNITED STATES DISTRICT COURT**  
 10 **EASTERN DISTRICT OF CALIFORNIA**

11 RANDALL BUTLER,

12 Plaintiff,

13 v.

14 CENTRAL TRANSPORT, LLC,  
 DOES 1 to 20,

15 Defendants.  
 16  
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Case No. 17-cv-02710-KJM-CMK

**JOINT STIPULATION REGARDING  
 DISCOVERY DISCLOSURES;  
 ORDER GRANTING STIPULATION  
 IN PART**

Complaint Filed: September 1, 2017  
 Trial Date: None Set  
 District Judge: Kimberly J. Mueller

1 Plaintiff Randall Butler (“Plaintiff”) and Defendant Central Transport, LLC  
2 (“Defendant”) (collectively referred to as “the parties”) hereby enter into the  
3 following Stipulation regarding discovery disclosures:

4 WHEREAS, on May 3, 2018, Plaintiff indicated that intended to amend his  
5 Complaint to bring class and/or collective action claims against Defendant;

6 WHEREAS, on May 10, 2018, the parties attended the Court’s Initial  
7 Scheduling Conference; and,

8 WHEREAS, at the Initial Scheduling Conference, the parties agreed to engage  
9 in certain discovery to allow Plaintiff to determine whether he intends to file a  
10 motion to amend his pleadings to bring class and/or collective action claims against  
11 Defendant.

12 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by  
13 and between the parties, and respectfully requested that the Court approve the same:

14 1. Within 40 days of the Court’s approval of this Stipulation, Defendant  
15 agrees to answer Plaintiff’s interrogatories and respond to Plaintiff’s request for  
16 production listed below:

17 **Interrogatory No. 1:**

18 As to any location in any state where Defendant Central Transport, LLC  
19 employs a terminal manager or any person in a similar position, please list the  
20 address of each location and the number of such persons at each location.

21 **Interrogatory No. 2:**

22 Please state all facts upon which you base your claim that Plaintiff Randall  
23 Butler was an employee exempt from the wage and hour laws of California.

24 **Request for Production:**

25 Please produce all writings upon which you base your denial that Plaintiff  
26 Randall Butler was an employee exempt from the wage and hour laws of California.

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1 Nothing contained herein shall constitute a waiver of any privilege. Defendant  
2 shall provide a privilege log as to any information or document it declines to provide  
3 based on privilege.

4 2. Upon receipt of the information from Defendant, Plaintiff shall have 40  
5 days to inform the Court whether Plaintiff intends to amend his Complaint. If  
6 Plaintiff communicates his intent to amend his Complaint, the Court shall issue a  
7 briefing schedule for Plaintiff's Motion for Leave to Amend.

8 3. Other than the discovery described herein, all other discovery shall be  
9 stayed until Plaintiff determines whether he will amend his Complaint. In the event  
10 Plaintiff moves to amend his Complaint, the parties agree that discovery shall be  
11 stayed until the Court determines whether Leave to Amend should be granted.

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14 DATED: May 25, 2018

LAW OFFICES OF MICHAEL COGAN

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By: /s/ Michael Cogan  
Michael Cogan  
Attorneys for Plaintiff  
Randall Butler

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21 DATED: May 25, 2018

OGLETREE, DEAKINS, NASH, SMOAK  
& STEWART, P.C.

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By: /s/ Alis M. Moon  
Christian Keeney  
Alis M. Moon  
Attorneys for Defendant  
Central Transport, LLC

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1 The court approves paragraphs 1 and 3 of the parties' stipulation. Paragraph 2  
2 is modified as follows:

3 Upon receipt of the information from Defendant, Plaintiff shall have  
4 forty (40) days to file a motion to amend his Complaint. If no motion to  
5 amend is filed, the parties shall file a joint status report within the next  
6 **fourteen (14) days** providing all the information called for by this  
7 court's standing orders.

8 IT IS SO ORDERED.

9 DATED: June 5, 2018.

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11 UNITED STATES DISTRICT JUDGE

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**PROOF OF SERVICE**  
*Randall Butler v. Central Transport, LLC, et al.*  
Case No. 17-cv-02710-KJM-CMK

I am and was at all times herein mentioned over the age of 18 years and not a party to the action in which this service is made. At all times herein mentioned I have been employed in the County of Orange in the office of a member of the bar of this court at whose direction the service was made. My business address is 695 Town Center Drive, Suite 1500, Costa Mesa, CA 92626.

On June 5, 2018, I served the following document(s):

**JOINT STIPULATION REGARDING DISCOVERY DISCLOSURES**

by placing  (the original)  (a true copy thereof) in a sealed envelope addressed as follows:

Michael Cogan  
Attorney At Law  
1388 Court Street, Suite E  
Redding, CA 96001  
Telephone: (530) 246-1112  
Facsimile: (530) 243-6079

Attorneys for Plaintiff,  
RANDALL BUTLER  
Email: michaelcogan@sbcglobal.net;  
aeturner410s@hotmail.com

**BY CM/ECF:** With the Clerk of the United States District Court of California, using the CM/ECF System. The Court's CM/ECF System will send an e-mail notification of the foregoing filing to the parties and counsel of record who are registered with the Court's CM/ECF System.

**(Federal):** I declare that I am employed in the office of a member of the State Bar of this Court at whose direction the service was made. I declare under penalty of perjury under the laws of the United States of America that the above is true and correct.

I declare under penalty of perjury under the laws of the United States of America that the above is true and correct.

Executed on June 5, 2018, at Costa Mesa, California.

Diane Vo  
Type or Print Name

  
Signature

34126937.1