

1 COSTA KERESTENZIS, SBN 186125
 2 SARAH S. KANBAR, SBN 315443
 3 **BEESON, TAYER & BODINE, APC**
 4 520 Capitol Mall, Ste. 300
 5 Sacramento, California 95814
 Telephone: (916) 325-2100
 Facsimile: (916) 325-2120
 Email: ckerestenzis@beesontayer.com
 Email: skanbar@beesontayer.com

6 Attorneys for Plaintiffs
 7 Tim Botonis and Liam Patrick Meikle

8 BRIAN FAHY, SBN 266750
 9 **MORGAN, LEWIS & BOCKIUS LLP**
 300 South Grand Avenue, Twenty-Second Floor
 Los Angeles, California 90071-3132
 Telephone: (213) 612-7254
 Facsimile: (213) 612-2501
 Email: brian.fahy@morganlewis.com

11 Attorneys for Defendant
 12 Bimbo Bakeries USA, Inc.

13 **UNITED STATES DISTRICT COURT**
 14 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

16 TIM BOTONIS, LIAM PATRICK MEIKLE,
 17 on behalf of themselves and all others similarly
 18 situated,

18 Plaintiffs,

19 v.

20 BIMBO BAKERIES USA, INC. and DOES
 21 ONE through TEN,

22 Defendants.

Case No. 2:22-CV-01453-DJC-DB

**JOINT STIPULATION TO REQUEST
 ONE-WEEK EXTENSION OF DEADLINE
 TO FILE UNOPPOSED MOTION FOR
 PRELIMINARY APPROVAL AND
 ADVISE RE STATUS OF SETTLEMENT**

Judge: Daniel J. Calabretta
 Complaint Filed: April 11, 2023
 Trial Date: N/A

23 Plaintiffs Tim Botonis and Liam Patrick Meikle (“Plaintiffs”) and Defendant Bimbo Bakeries,
 24 USA, Inc. (collectively “the Parties”) request from the Court a brief, one-week extension of the
 25 deadline to file an unopposed Motion for Preliminary Approval or provide a status update regarding
 26 the settlement.

27 //

1 Good cause exists for the requested continuance. As the Parties had previously advised the
2 Court (*see* Dkt. Nos. 5, 11, 14), the Parties participated in a mediation with mediator John Hyland on
3 January 17, 2023. Following the mediation, the mediator provided a proposal, which the Parties
4 agreed to in principle as a framework for the settlement.

5 The Parties subsequently worked to finalize the settlement related documents and obtain
6 updated class data needed to finalize various aspects of the settlement. To afford sufficient time to
7 gather the necessary information needed for finalizing the settlement documents, the Parties
8 requested additional time to file the Motion for Preliminary Approval and related documents. (*See*
9 Dkt. No. 14.) The Court granted the Parties' request for a 30-day extension to file the Motion for
10 Preliminary Approval or advise regarding the status of settlement and set May 18, 2023 as the date to
11 file the Motion for Preliminary Approval or inform the Court about the status of settlement. (*See*
12 Dkt. 15.)

13 Since the Court's Order, the Parties obtained the necessary updated class data, met and
14 conferred regarding the same, and have made significant progress working cooperatively to finalize
15 the Settlement Agreement and prepare the unopposed Motion for Preliminary Approval with the
16 supporting declarations. The Parties anticipate finalizing and filing these documents shortly.

17 Therefore, to afford the Parties the additional time needed to finalize the long-form Settlement
18 Agreement and the unopposed Motion for Preliminary Approval and supporting documents, the
19 Parties request that the Court continue the deadline to file the unopposed Motion for Preliminary
20 Approval by one week to May 25, 2023.

21 Given the Court's available motion hearing dates in late July and August 2023, the requested
22 continuation to May 25, 2023 will not impact the Parties' ability to comply with the required 35-day
23 notice period under Local Rule 230(b) for Plaintiffs' unopposed Motion for Preliminary Approval.

24 //

25 //

26 //

1 This is the second request for an extension requested by the Parties.
2

3 Dated: May 18, 2023

BEESON, TAYER & BODINE, APC

4
5 By: /s/ Sarah S. Kanbar
SARAH S. KANBAR

6 Attorneys for Tim Botonis and Liam Patrick
7 Meikle

8 Dated: May 18, 2023

MORGAN, LEWIS BOCKIUS LLP

9
10 By: /s/ Brian Fahy (as authorized on May 18,
11 2023)
BRIAN FAHY

12 Attorneys for Bimbo Bakeries USA, Inc.
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

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

ORDER

Based on the Parties' Joint Stipulation and good cause shown:

IT IS HEREBY ORDERED:

The deadline to file the Motion for Preliminary Approval or inform the Court regarding the status of the existing settlement is hereby continued from May 18, 2023 to May 25, 2023.

IT IS SO ORDERED:

Dated: May 19, 2023

/s/ Daniel J. Calabretta

THE HONORABLE DANIEL J. CALABRETTA
UNITED STATES DISTRICT JUDGE