

1 **GIBSON, DUNN & CRUTCHER LLP**
 JULIAN W. POON, SBN 219843
 2 jpoon@gibsondunn.com
 JESSE A. CRIPPS, SBN 222285
 3 jcripps@gibsondunn.com
 BLAINE H. EVANSON, SBN 254338
 4 bevanson@gibsondunn.com
 STEPHANIE M. MATTHEWS, SBN 274812
 5 smatthews@gibsondunn.com
 333 South Grand Avenue
 6 Los Angeles, CA 90071-3197
 Telephone: 213.229.7000
 7 Facsimile: 213.229.7520

8 Attorneys for Defendant
 WAL-MART STORES, INC.

9 **LAW OFFICES OF WAGNER & JONES LLP**
 10 ANDREW B. JONES, SBN 076915
 DANIEL M. KOPFMAN, SBN 192191
 11 1111 East Herndon Avenue, Suite 317
 Fresno, CA 93720
 12 Telephone: (559) 449-1800
 Facsimile: (559) 449-0749

13 Attorneys for Plaintiffs

14 UNITED STATES DISTRICT COURT
 15 NORTHERN DISTRICT OF CALIFORNIA
 16 SAN FRANCISCO DIVISION

17 RICHARD BROWN, CHARLES
 18 RIDGEWAY, JAIME FAMOSO, JOSHUA
 HAROLD, RICHARD BYERS, DAN
 19 THATCHER, DENNIS COLE, NINO
 PAGTAMA, WILLIE FRANKLIN, TIME
 20 OPITZ, THOMAS BRYSON, FARRIS DAY,
 KARL MERHOFF, and MICHAEL KROHN,

CASE NO. 3:08-cv-05221-SI

**STIPULATION AND ~~PROPOSED~~ ORDER
 RE CONTINUANCE OF MEDIATION AND
 CLASS CERTIFICATION DATES**

21 Plaintiffs,

22 v.

23 WAL-MART STORES, INC., a Delaware
 24 corporation d/b/a WAL-MART
 TRANSPORTATION LLC, and Does One
 25 through and including Doe Fifty,

26 Defendants.

27 Previously captioned as *Bryan et al. v. Wal-*
 28 *Mart Stores, Inc.*

1 WHEREAS, this Court previously granted the parties' stipulation to participate in mediation
2 and the deadline for mediation is currently set for March 14, 2013, pursuant to an order issued by this
3 Court on December 20, 2013;

4 WHEREAS, in its order of December 20, 2013, and by agreement of the parties, the Court
5 also set a class certification schedule, with Plaintiffs' motion due by March 24, 2014, Wal-Mart's
6 opposition due by April 21, 2014, Plaintiffs' reply due by May 5, 2014, and a hearing set for May 23,
7 2014;

8 WHEREAS, in December 2013, the parties agreed to participate in private mediation before
9 Michael E. Dickstein, and have already had several discussions with Mr. Dickstein and have engaged
10 in a substantial exchange of data and information in preparation for a March 4, 2014 mediation date,
11 but through those discussions and due to the complexity of the claims and allegations at issue in this
12 case, it has become clear that additional information is needed to conduct a meaningful mediation;

13 WHEREAS, the parties believe that a short continuance of the mediation deadline, along with
14 a corresponding continuance of the class certification deadlines is necessary to permit them to engage
15 in meaningful mediation;

16 WHEREAS, the parties have agreed, with the consent of Michael Dickstein and subject to the
17 approval of this Court, to move the mediation date to April 7, 2014—a continuance of only 24 days
18 beyond the current mediation deadline;

19 WHEREAS, continuing the mediation deadline and class certification briefing and hearing
20 deadlines will not alter any other deadlines presently on calendar in this matter;

21 NOW, THEREFORE, THE PARTIES JOINTLY STIPULATE AND RESPECTFULLY
22 REQUEST:

- 23 1. That the mediation deadline be continued to April 7, 2014; and
- 24 2. That the class certification deadlines be continued to Monday, May 5, 2014 for
25 Plaintiffs' class certification motion, Monday, June 2, 2014 for Wal-Mart's opposition, Monday, June
26 16, 2014 for Plaintiffs' reply, and Friday, June 27, 2014 for the class certification hearing.

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

Respectfully submitted,

Dated: February 14, 2014

GIBSON, DUNN & CRUTCHER LLP

/s/ Jesse A. Cripps / AYP
Jesse A. Cripps
Attorney for Defendant
WAL-MART STORES, INC.

Dated: February 14, 2014

WAGNER & JONES LLP

/s/ [Signature]
Daniel M. Kopfman
Attorney for Plaintiffs

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 2/25, 2014

By: Susan Illston

Honorable Susan Illston
United States District Judge