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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

ALEJANDRO JUAREZ, et al.,

Plaintiffs,

v.

JANI-KING OF CALIFORNIA, INC., a  
Texas Corporation, et al.,

Defendants.

Case No.: CV09-03495 SC

**STIPULATION AND [~~PROPOSED~~] ORDER  
FOR EXPEDITED CONSIDERATION OF  
MOTION**

Date: February 24, 2012  
Time: 10:00 am  
Courtroom: 1, 17<sup>th</sup> Flr.  
Judge: Hon. Samuel Conti

Complaint filed: June 22, 2009  
Trial Date: March 12, 2012

AND RELATED COUNTERCLAIM

1 Pursuant to Civil Local Rules 6-2 and 7-12, Plaintiffs Alejandro Juarez, Maria Juarez, and  
2 Maria Portillo (“Plaintiffs”) and Defendants Jani-King of California, Inc., Jani-King, Inc., and Jani-  
3 King International, Inc. (“Defendants”), hereby state as follows:

4 1. The trial in this matter is scheduled for March 12, 2012.

5 2. On January 23, 2012, the Court issued an order that, among other rulings, granted  
6 summary judgment against the claims brought under the California Labor Code (Counts 8-13). (Dkt.  
7 168).

8 3. On February 1, 2012, the Plaintiffs filed a Motion for Certification Pursuant to 28  
9 U.S.C. § 1292(b) and to Stay Further Proceedings Pending Appeal. (Dkt. 176). In that motion,  
10 Plaintiffs seek certification for an interlocutory appeal to the Ninth Circuit regarding the proper  
11 standard to be applied to Labor Code claims that are brought by alleged franchisees.

12 4. Based on consultations with the Court’s clerk, the soonest hearing date under N.D.  
13 Civ. L.R. 7-2(a) is March 9, 2012, which is two business days before the scheduled trial.  
14 (Declaration of Monique Olivier (“Olivier Decl.”), Exh. A).

15 5. The parties will need to spend considerable resources prior to March 9 to get ready  
16 for trial on March 12, including scheduling and preparing witnesses, reviewing voluminous  
17 deposition transcripts and documents, identifying and preparing exhibits, briefing motions in limine  
18 and other trial matters, drafting jury instructions, preparing opening statements, etc. (Olivier Decl.).

19 6. Given the benefits of obtaining a ruling on the Plaintiffs’ motion on a more expedited  
20 basis, the parties have agreed to shorten the normal motion schedule and to waive oral argument.  
21 Defendant has agreed to file its opposition on or before February 13, 2012.

22 7. Through consultation with the Court’s clerk, counsel were advised that an earlier  
23 hearing date was available on February 24, 2012, if permitted by the Court. (Olivier Decl.). As a  
24 result, the parties are scheduling a hearing for that date in the event the Court rules that a hearing is  
25 necessary.

26 8. A proposed order is included below.  
27  
28

1 DATED: February 3, 2012

Respectfully submitted,

2 THE STURDEVANT LAW FIRM  
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15 By: /s/ Benjamin K. Riley  
16 Benjamin K. Riley  
Attorneys for Defendants

17 **~~PROPOSED~~ ORDER**

18 Pursuant to the Stipulation above, the Plaintiffs' motion for certification and to stay (Dkt.  
19 176) will be heard on an expedited basis and without oral argument.

20 IT IS SO ORDERED.

21 Dated: February 3, 2012

22   
The Honorable Samuel Conti  
UNITED STATES DISTRICT COURT