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19 **UNITED STATES DISTRICT COURT**

20 **NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO**

21 RICK DELAGARZA, individually, and PAUL
 22 GUTIERREZ, SAL LUCIDO, APRIL MOORE,
 CHARLES GRIMMETT, ANTONIO GARCIA,
 23 and BRIAN CASHWELL, individually and on
 behalf of all similarly situated current and former
 24 employees,

Plaintiffs,

25 v.

26 TESORO REFINING AND MARKETING
 COMPANY and DOES 1 through 10, inclusive,

27 Defendants.
 28

Case No. C 09-05803 MHP

Assigned for all purposes to Hon. Marilyn Hall
 Patel

**JOINT STIPULATION TO CONTINUE
 CLASS CERTIFICATION MOTION
 BRIEFING SCHEDULE; [~~PROPOSED~~]
 ORDER**

1 Pursuant to L.R. 6-2 and 7-12, Plaintiffs Rick Delagarza, Paul Gutierrez, Sal Lucido, April
2 Moore, Charles Grimmett, Antonio Garcia, and Brian Cashwell, and Defendant Tesoro Refining and
3 Marketing Company (“Tesoro”) (collectively, “the Parties”), by and through their undersigned counsel,
4 hereby stipulate as follows:

5 WHEREAS, at the Case Management Conference on March 7, 2011, the Court ordered counsel to
6 meet and confer regarding outstanding discovery;

7 WHEREAS, counsel met and conferred on March 7, 2011 and continuing thereafter and, on
8 March 11, 2011, reached agreement regarding the scope of production of additional documents;

9 WHEREAS, Tesoro produced additional documents to Plaintiffs’ counsel on March 16 and 18,
10 2011, and intends to produce additional documents by March 22, 2011;

11 WHEREAS, Plaintiffs have not yet received the documents produced on March 18 or 22 and they
12 believe that they will need at least 10 days, from the date of receipt, to be able to review the additional
13 documents produced by Tesoro and incorporate them into their class certification motion, which is
14 currently scheduled to be filed on March 28, 2011;

15 WHEREAS, because many of the additional documents that have or will be produced by Tesoro
16 may be subject to the stipulated protective order that has been entered in this case (Dkt. 81), as well as the
17 Court’s Order modifying the stipulated protective order (Dkt. 81-1), Plaintiffs will need an additional 10
18 days to meet and confer with Tesoro regarding the documents that should be filed under seal and to
19 prepare and file, pursuant to L.R. 79-5 and 7-11, an administrative motion to file documents under seal;

20 WHEREAS, Tesoro intends to seek the depositions of individuals from whom Plaintiffs submit
21 declarations in support of their motion for class certification—whose identities are not yet known to
22 Tesoro—and because Plaintiffs have indicated they are likely to file approximately 15 such declarations,
23 Tesoro believes it needs additional time to conduct such depositions before filing its opposition;

24 WHEREAS, Tesoro has not yet had the opportunity to conduct the depositions of Antonio Garcia
25 and Brian Cashwell, new plaintiffs added to the lawsuit pursuant to the third and fourth amended
26 complaints; and

27 WHEREAS, there have been four other time modifications in this case and the time modification
28 to which the Parties stipulate herein will not adversely affect the schedule for the case.

1 NOW, THEREFORE, the Parties agree and stipulate that:

- 2 1. The deadline for any motions regarding class certification shall be moved from March 28,
3 2011, to April 18, 2011;
- 4 2. The deadline for oppositions to any motions regarding class certification shall be moved
5 from April 25, 2011 to June 13, 2011;
- 6 3. The deadline for replies to any motions regarding class certification shall be moved from
7 May 9, 2011 to July 4, 2011; and
- 8 4. The hearing on any motions regarding class certification shall be moved from May 23,
9 2011, at 2:00 p.m. to July 18, 2011, at 2:00 p.m.

10 IT IS SO STIPULATED.

11 Dated: March 22, 2011

GILBERT & SACKMAN, A Law Corporation

12 By: /s/ Linda S. Fang
13 Linda S. Fang
14 Attorneys for Plaintiffs Rick Delagarza, Paul
Gutierrez, Sal Lucido, April Moore, Charles
Grimmett

15 Dated: March 22, 2011

SEYFARTH SHAW LLP

16 By: /s/ Timothy M. Rusche
17 Timothy M. Rusche
18 Attorneys for Defendant Tesoro Refining and
Marketing Company

19 ~~PROPOSED~~ ORDER

20 PURSUANT TO STIPULATION ON PAGES 1-2, ABOVE, IT IS SO ORDERED.

21 Dated: 3/28/2011

22 Hon. Marilyn H. Patel
23 United States District Court
24 Northern District of California

