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Attorneys for Defendants

1 IT IS HEREBY STIPULATED by and between Plaintiff, U.S. Equal Employment
2 Opportunity Commission, Plaintiff-Intervenor, Jerry Gallon, and Defendants, McKinney-Griff,
3 Inc. dba Merritt Restaurant & Bakery, The Merritt Restaurant, Inc., Merritt Bakery Café, LLC
4 dba Merritt Restaurant & Bakery, (collectively, “the Parties”), through their respective counsel
5 of record, as follows:

6 WHEREAS, the Parties have been in communication and have agreed to engage in early
7 settlement discussions in an effort to resolve this lawsuit;

8 WHEREAS, Defendants have represented to Plaintiff and Plaintiff-Intervenor that their
9 financial condition is precarious and they are trying to keep the costs of litigation to a minimum;

10 WHEREAS, the Plaintiff and Plaintiff-Intervenor have agreed to grant Defendants an
11 extension of the deadline for filing their Answer to Plaintiff’s First Amended Complaint until
12 after the court rules on Plaintiff-Intervenor’s unopposed Motion to Intervene which is scheduled
13 for hearing on December 22, 2011;

14 WHEREAS, the Parties would like to avoid the expense and inconvenience of litigating
15 this case at the same time the parties are negotiating settlement;

16 THEREFORE, the parties stipulate to and respectfully request a two-month continuance
17 of the Case Management Conference from January 5, 2012 to March 8, 2012; the Joint Case
18 Management Statement would be due on March 1, 2012. The Parties will use the intervening
19 period to negotiate in good faith to try to resolve the lawsuit, utilizing the court’s ADR programs
20 to the extent necessary and feasible.

21 The parties also respectfully request that the court issue an order on Plaintiff-Intervenor’s
22 unopposed Motion to Intervene without a hearing to avoid the need for counsel to appear
23 personally.
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26 ****signatures on following page****
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1 Respectfully submitted,

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3 Dated: November 28, 2011

_____//s//Marcia L. Mitchell

MARCIA L. MITCHELL
Attorney for Plaintiff EEOC

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6 Dated: November 28, 2011

_____//s//Jinny Kim

JINNY KIM
Attorney for Jerry Gallon

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8
9 Dated: November 28, 2011

_____//s//Kendall Burton

KENDALL BURTON
Attorney for Defendants

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12 E-filing concurrence: I, Marcia L. Mitchell, attorney for Plaintiff EEOC, attest that I
13 have obtained the concurrence of Jinny Kim, attorney for Jerry Gallon, and Kendall Burton,
14 attorney for Defendants, for the filing of this pleading.

15
16 Dated: November 28, 2011

17 /S/ Marcia L. Mitchell
18 MARCIA L. MITCHELL
19 Senior Trial Attorney
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1 **[PROPOSED] ORDER**

2 For good cause shown and pursuant to the Stipulation of the Parties it is hereby ordered
3 that the Case Management Conference will be continued for two-months and shall be held on
4 March 8, 2012 in the event that the parties are not able to successfully settle the case. The
5 parties shall file a Joint Case Management Conference Statement at least one week prior to the
6 Conference.

7 **IT IS SO ORDERED.**

8 Dated: 12/22/11

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10 _____
11 RICHARD SEEBORG
United States District Court Judge