1 2 3 4 5 6 7 8 9	Gregory N. Karasik (SBN 115834) Karasik Law Firm 11835 W. Olympic Blvd., Ste. 1275 Los Angeles, California 90064 Tel: (310) 312-6800 Fax: (310) 943-2582 greg@karasiklawfirm.com Attorneys for Plaintiff DEMETRIOT K. LEWIS [additional counsel listed on next page] Brent M. Giddens, State Bar No. 133652 Kent J. Sprinkle, State Bar No. 226971 Kimberly M. Foster, State Bar No. 243216 CAROTHERS DISANTE & FREUDENBERGI 601 Montgomery Street, Suite 350 San Francisco, California 94111	ER LLP				
10 11	San Francisco, California 94111 Telephone: (415) 981-3233 Facsimile: (415) 981-3246 E-Mail: bgiddens@cdflaborlaw.com ksprinkle@cdflaborlaw.com					
12	kfoster@cdflaborlaw.com					
13 14	Attorneys for Defendant SAFELITE FULFILLMENT, INC.					
15	[additional counsel listed on next page]					
16						
17	UNITED STATES	S DISTRICT COURT				
18	NORTHERN DISTRICT OF CALIFORNIA					
19	DEMETRIOT K. LEWIS, individually and	Case No. CV-11-5512-CRB				
20	on behalf of others similarly situated,	STIPULATION RE EXTENSION OF MOTION HEARING CUTOFF DATES AND ORDER THEREON				
21	Plaintiff,					
22	VS.	ORDER THEREON				
23	SAFELITE FULFILLMENT INC.; and DOES 1 through 10.					
24	Defendants.					
25						
26						
27						
28						

1	Additional Counsel					
2	Alexander I. Dychter (SBN 234526)					
3	alex@dychterlaw.com Dychter Law Offices, APC 1010 Second Ave., Suite 1835 San Diego, California 92101					
4						
5	Tel: (619) 487-0777 Fax: (619) 330-1827					
6	Attorneys for Plaintiff DEMETRIOT K. LEWIS					
7	Andrew C. Smith Ohio Registration No. 0008136					
8	Robert A. Harris, Ohio Registration No. 0059549 Daniel J. Clark, Ohio Registration No. 0075125 VORYS, SATER, SEYMOUR & PEASE LLP 52 East Gay Street					
9						
10	Columbus, OH 43215 Telephone: (614) 464-6400					
11	Facsimile: (614) 464-6350					
12	E-mail: acsmith@vorys.com raharris@vorys.com					
13	djclark@vorys.com					
14	Admitted Pro Hac Vice					
15	Attorneys for Defendant SAFELITE FULFILLMENT, INC.					
16						
17	Plaintiff Demetriot K. Lewis ("Plaintiff"), and defendant Safelite Fulfillment, Inc.					
18						
19	("Defendant"), by and through their counsel of record, hereby enter into the following					
20	Stipulation re Extension of Motion Cutoff Date and mutually request the Court to enter an					
21	order in accordance therewith.					
22	STIPULATION					
23	1. Plaintiff initiated this action on November 14, 2011. In his complaint, Plaintiff					
24	asserts claims against Defendant for unpaid overtime wages under the Fair Labor Standards					
25	Act, which Plaintiff seeks to pursue as a collective action under 29 U.S.C. Section 216, and					
26	various wage and hour claims against Defendant under California law, which Plaintiff seeks					
27	to pursue as a class action pursuant to Rule 23 of the Federal Rules of Civil Procedure.					
	·					

2. At a case management conference on July 20, 2012, the Court set the following deadlines:

Motion to Certify Rule 23 Class and Dispositive Motions

April 30, 2013

Motion for Decertification if an FLSA Class is Conditionally Certified

June 30, 2013

Discovery Cut-off

June 30, 2013

- 3. The parties have exchanged written discovery. Among other things, Defendant provided Plaintiff with the names and addresses of putative class members in California and produced nearly a thousand pages of documents. To date, neither party has yet taken any depositions.
- 4. Due to the volume of documents, the number of putative class members, and scheduling issues, it has taken Plaintiff longer than previously anticipated to complete his investigation and discovery.
- 5. In light of the foregoing, Plaintiff requests that the cut-off dates listed above for the Motion to Certify the Rule 23 Class and Dispositive Motions be extended by 60 days to July 2, 2013. Defendant has no objection to Plaintiff's request for this extension.
- 6. Plaintiff intends to file his Motion for Conditional Certification of the nationwide FLSA collective action at the same time he files his Motion for Certification of his state law class action pursuant to Rule 23. Should the Court order conditional certification of the nationwide FLSA class, the parties will then have to prepare the opt-in notice, submit that notice to the Court for approval, and then send the Court-approved notice to the potential nationwide class members; conduct additional discovery based on those who opt in to participate in the collective action; and then prepare a decertification motion for filing 35 days before the scheduled hearing date. Defendant respectfully suggests that the current deadline providing only 60 days from the date of the hearing on the Motion for Certification until the hearing on the Motion for Conditional Certification provides insufficient time for all of this to occur. Defendant thus requests that the hearing date for the motion for decertification be extended by an additional 60 days. Plaintiff has no objection to this request.

1	8.	The extensions requested herein will not result	t in any prejudice or undue delay.	
2	The Court has not yet scheduled a trial date.			
3	9.	For the foregoing reasons, the parties mutually	request that the Court revise and	
4	extend the exis	sting case schedule as follows:		
5				
6		Deadline for filing Rule 23 Motion for		
7		Certification, Motion for Conditional		
8		Certification of FLSA Collective Action, and Dispositive Motions:	May 16	
9		Deadline for Filing Opposition to		
10		Rule 23, FLSA Conditional Certification, and Dispositive Motions:	June 6	
11		•	June 0	
12		Deadline for filing Reply in support of Rule 23, FLSA Conditional Certification,		
13		and Dispositive Motions:	June 17	
14		Hearing on Rule 23, FLSA Conditional Certifica		
15		and Dispositive Motions:	July 2	
16		Hearing on Motion for Decertification if FLSA Conditional Certification is granted:	120 days from Order	
17			granting Conditional Certification	
18			Certification	
19		Discovery Cut-off, if both Rule 23 and FLSA Conditional Certification are denied:	30 days from last Order	
20			denying Rule 23 and FLSA Conditional	
21			Certification motions	
22		Discovery Cut-off, if either Rule 23 or		
23		FLSA Conditional Certification is granted:	120 days from last Order granting Rule 23 and/or	
24			FLSA Conditional Certification motions	
25			Certification motions	
26				
27				
28				

1	1	
1		Respectfully submitted,
2		respectivity suchinica,
3	Dated: February 19, 2013	KARASIK LAW FIRM
4		DYCHTER LAW OFFICES, APC
5		By <u>/Gregory N. Karasik</u> Gregory N. Karasik
6		Attorneys for Plaintiff DEMETRIOT K. LEWIS
7		
8	Dated: February 19, 2013	CAROTHERS, DISANTE & FREUDENBERGER LLP
9		By: /Kent J. Sprinkle Kent J. Sprinkle
10		Attorneys for Defendant
11		SAFELITE FULFILLMENT, INC.
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		

1	ORDER		
1			
2	Good cause having been shown, it is hereby ordered that the case schedule previously set		
3	by the Court is modified as follows:		
4	Deadline for filing Rule 23 Motion for		
5	Certification, Motion for Conditional Certification of FLSA Collective Action,		
6	and Dispositive Motions: May 16		
7	Deadline for Filing Opposition to		
8	Rule 23, FLSA Conditional Certification, and Dispositive Motions: June 6		
9	Deadline for filing Reply in support of		
10	Rule 23, FLSA Conditional Certification,		
11	•		
12	Hearing on Rule 23, FLSA Conditional Certification, and Dispositive Motions: July 2		
13	Hearing on Motion for Decertification		
14	if FLSA Conditional Certification is granted: 120 days from Order		
15	granting Conditional Certification		
16	Discovery Cut-off, if both Rule 23 and		
17	FLSA Conditional Certification are denied: 30 days from last Order		
18	denying Rule 23 and FLSA Conditional		
19	Certification motions		
20	Discovery Cut-off, if either Rule 23 or		
21	FLSA Conditional Certification is granted: 120 days from last Order granting Rule 23 and/or		
22	FLSA Conditional Certification motions		
23			
24	IT IS SO ORDERED.		
25	STATE OF THE PROPERTY OF THE P		
26	DATED: Feb. 21, 2013 Hon. Obacles D. Corder D		
27	Hon. Obacles D. United Sta IT IS SO ORDERED Northerr I		
28	Judge Charles R. Breyer		
	Junes -		
	6		