

1 Counsel Listed on the Following Page.

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

PETER WRIGHT and MICHELLE
TRAME, individually, on behalf of all
others similarly situated, and on behalf of
the general public

Plaintiffs,

vs.

ADVENTURES ROLLING CROSS
COUNTRY, Inc., dba ADVENTURES
CROSS COUNTRY (ARCC), a California
Corporation, SCOTT VON ESCHEN, and
DOES 1 through 50 inclusive,

Defendants.

Case No. 3:12-cv-00982-EMC

**JOINT STIPULATION TO CONTINUE
CASE MANAGEMENT CONFERENCE,
TOLL STATUTE OF LIMITATIONS, AND
STAY DISCOVERY AND FILING
DEADLINES ORDER**

Courtroom 5, 17th Floor

Honorable Edward M. Chen

ADVENTURES ROLLING CROSS
COUNTRY, Inc., d/b/a ADVENTURES
CROSS COUNTRY (ARCC), a California
Corporation,

Counterclaimant,

vs.

PETER WRIGHT and MICHELLE
TRAME,

Counter-Defendants.

JOINT STIPULATION TO CONTINUE CMC
CASE NO.: 3:12-CV-00982-EMC

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1 **TO THE COURT:**

2 Plaintiffs PETER WRIGHT and MICHELLE TRAME and Defendants ADVENTURES
3 ROLLING CROSS COUNTRY, Inc., SCOTT VON ESCHEN and Cross-Claimant SCOTT
4 VON ESCHEN, by and through their respective counsel of record, herein agree and stipulate as
5 follows:

6 **RECITALS**

- 7 1. Counsel for Defendants and Cross-Claimant Adventures Rolling Cross Country, Inc., et
8 al. filed a Notice of Appearance on August 24, 2012, having just substituted into this
9 matter.
- 10 2. The parties previously conducted a mediation on July 19, 2012, which did not resolve this
11 matter.
- 12 3. The parties have met and conferred and agreed that further attempts to resolve this matter
13 are in order and the parties will participate in an informal discussion and possibly
14 continued mediation within the next forty-five (45) days.
- 15 4. Accordingly, the parties are requesting the Case Management Conference currently set for
16 August 31, 2012 be vacated and reset in accordance with the court's calendar an estimated
17 45 days after today's date.
- 18 5. Because the Plaintiffs are agreeing to postpone currently-scheduled depositions and
19 discovery, which they intended to use to move promptly for conditional certification under
20 the Fair Labor Standards Act (FLSA), and subject to a ticking statute of limitations under
21 the FLSA, the parties also agree to toll the statute of limitations.

22
23 **STIPULATION**

24 NOW, THEREFORE, Plaintiffs and Defendants hereby agree and stipulate as follows, subject to
25 Court approval:

- 26
27 1. That all proceedings in the case should be stayed pending the outcome of further
28 settlement discussions anticipated to occur on or before September 30, 2012.

- 1 2. The parties agree to submit a joint report by no later than October 5, 2012 to advise the
- 2 Court as to the status of the mediation efforts.
- 3 3. The parties agree that all discovery and filing deadlines be stayed pending this time. This
- 4 includes, but is not limited to a stay of depositions, responsive pleadings, filing of FSLA
- 5 conditional cert motion and any other outstanding discovery.
- 6 4. The parties agree that the FLSA statute of limitations be tolled for all purposes retroactive
- 7 to August 16, 2012 (the day this agreement in principle was first reached between the
- 8 parties) for all putative FLSA class members.
- 9 5. The CMC set for August 31, 2012 be vacated and continued to sometime after October 5,
- 10 2012, with a Joint CMC statement filed one week prior to the re-scheduled conference.

11 **IT IS SO STIPULATED.**

12 Dated: August 24, 2012

CURIALE DELLAVERSON HIRSCHFELD
& KRAEMER, LLP

14

By: /s/ Donna M. Rutter
 Donna M. Rutter
 Attorneys for Defendants
 ADVENTURES ROLLING CROSS
 COUNTRY, INC., SCOTT VON ESCHEN
 and Cross-Claimant SCOTT VON ESCHEN

19 Dated: August 24, 2012

BRYAN SCHWARTZ LAW
RUDY EXELROD ZIEFF & LOWE, LLP

20

By: /s/ Bryan J. Schwartz
 Bryan J. Schwartz
 Attorneys for Plaintiffs
 PETER WRIGHT and MICHELLE TRAME

24 **PURSUANT TO THE STIPULATION, IT IS SO ORDERED.** The CMC is reset from
 25 8/31/12 to 11/9/12 at 9:00 a.m. A joint CMC Statement shall be filed by 11/2/12.

26 Date: 8/28, 2012

27 _____
 Edward M. Chen
 Judge of the United States District Court

