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27
28 UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

19 JOSE RAMIREZ, LUIS GOMEZ, and
20 MARCK MENA ORTEGA on behalf of
21 themselves and all other persons
similarly situated,

22 Plaintiffs,

23 v.

24 GHILOTTI BROS, INC., a corporation;
25 GHILOTTI BROTHERS
CONSTRUCTION, INC., a corporation,
and DOES 1 through 50, inclusive,

26 Defendants.

CASE NO. 3:12-cv-04590-CRB

**STIPULATION AND [PROPOSED]
ORDER RESCHEDULING CASE
MANAGEMENT CONFERENCE
AND PLAINTIFF'S MOTION FOR
LEAVE TO FILE SECOND
AMENDED COMPLAINT**

STIPULATION AND [PROPOSED]
ORDER RESCHEDULING CASE
MANAGEMENT CONFERENCE AND
MOTION FOR LEAVE TO FILE
SECOND AMENDED COMPLAINT

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1 WHEREAS, the parties have agreed to conduct a Mediation at the Judicial
2 Arbitration and Mediation Services (“JAMS”) on January 11, 2013;

3 WHEREAS, Plaintiffs filed their Motion for Leave to File Second Amended
4 Complaint (Dkt. No. 18) on December 7, 2012;

5 WHEREAS, the parties stipulated that the time for the hearing on the Motion
6 for Leave to File Second Amended Complaint be shortened so that it may be heard on
7 January 4, 2013 in conjunction with the Case Management Conference as then
8 scheduled, and to accommodate the Mediation (*see* Dkt. No. 18-3);

9 WHEREAS, the stipulation to shorten time on the Motion for Leave to File the
10 Second Amended Complaint was not signed by the Court, and the Motion for Leave
11 to File the Second Amended Complaint is set for January 11, 2013;

12 WHEREAS, the Court ordered the Case Management Conference in this action
13 originally set for January 4, 2013 be continued to January 11, 2013; WHEREAS, the
14 Case Management Conference and Motion hearing set for January 11, 2013 pose a
15 conflict with the Mediation scheduled by the parties;

16 WHEREAS, the parties have been unable to identify any other date agreeable
17 to all parties and the mediator on which the Mediation could be rescheduled, payment
18 has been tendered for the Mediation, and multiple individuals from both parties
19 cleared scheduling conflicts so that they might attend the Mediation and make a good
20 faith effort at resolution of this matter;

21 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and
22 between the parties to the above-captioned action, through their respective counsel, as
23 follows:

24 The hearing on Plaintiffs’ Motion for Leave to File Second Amended
25 Complaint and the Case Management Conference will be continued to January 18,
26 2013.

1 IT IS SO STIPULATED.

2 DATED: December 20, 2012

3 ROSEN BIEN GALVAN & GRUNFELD LLP
4 GAY CROSTHWAIT GRUNFELD
5 KATHRYN G. MANTOAN
6 JENNY S. YELIN

7
8 By: /s/ Gay Crosthwait Grunfeld
9 GAY CROSTHWAIT GRUNFELD

10 Attorneys for Plaintiffs

11 DATED: December 20, 2012

12 JEFFER, MANGELS, BUTLER &
13 MITCHELL LLP
14 LOUISE ANN FERNANDEZ
15 MICHAEL J. HASSEN
16 AN NGUYEN RUDA

17 By: /s/ An Nguyen Ruda
18 AN NGUYEN RUDA

19 Attorneys for Defendants GHILOTTI BROS.,
20 INC. and GHILOTTI BROTHERS
21 CONSTRUCTION, INC.

[PROPOSED] ORDER

The Court, having reviewed the above Stipulation of the parties, and good cause appearing, hereby orders as follows:

The hearing on Plaintiffs' Motion for Leave to File Second Amended Complaint and the Case Management Conference is hereby continued to January 18, 2013.

IT IS SO ORDERED.

DATED: December 21, 2012

