

1 TOMAS E. MARGAIN, Bar No. 193555
 2 HUY TRAN, Bar No. 288196
 3 84 W. SANTA CLARA ST., STE. 790
 4 SAN JOSE, CA 95113
 5 TEL: (408) 297-4729
 6 FAX: (408) 297-4728
 7 Tomas@LaCasaLegal.com
 8 Huy@LaCasaLegal.com

9 Attorneys for Plaintiffs
 10 LIBORIO HERNANDEZ and
 11 ROGELIO RODRIGEZ-PEREZ

12 JOANNA L. BROOKS (State Bar No. 182986)
 13 DOUGLAS M. BRIA (State Bar No. 226966)
 14 DAVID T. WANG (State Bar No. 275015)
 15 JACKSON LEWIS LLP
 16 50 California Street, 9th Floor
 17 San Francisco, CA 94111
 18 Telephone 415.394.9400
 19 Facsimile: 415.394.9401
 20 Email: brooksj@jacksonlewis.com
 21 briad@jacksonlewis.com
 22 david.wang@jacksonlewis.com

23 ATTORNEYS FOR DEFENDANT
 24 NOR-CAL MOVING SERVICES

25 **UNITED STATES DISTRICT COURT**
 26 **NORTHERN DISTRICT OF CALIFORNIA**

27 LIBORIO HERNANDEZ and ROGELIO
 28 RODRIGUEZ-PEREZ

Plaintiffs,

v.

NOR-CAL MOVING SERVICES,

Defendant.

Case No. 12-CV-05552 MEJ

**JOINT STIPULATION AND ~~PROPOSED~~
 ORDER GRANTING PLAINTIFFS'
 LEAVE TO FILE SECOND AMENDED
 COMPLAINT**

Plaintiffs LIBORIO HERNANDEZ and ROGELIO RODRIGUEZ-PEREZ and Defendant
 NOR-CAL MOVING SERVICES through their attorneys of record, hereby submit the following

**STIPULATION AND ORDER GRANTING
 LEAVE TO FILE SECOND AMENDED
 COMPLAINT**

1 Joint Stipulation and Proposed Order Granting Plaintiffs' Leave to File Second Amended
2 Complaint.

3 WHEREAS, Plaintiffs filed the original Complaint in this action on October 29, 2012;

4 WHEREAS, Plaintiffs filed a First Amended Complaint on April 19, 2013 after Defendant
5 filed a Motion to Dismiss or Strike on April 12, 2013;

6
7 WHEREAS, Plaintiffs desire to file a Second Amended Complaint which removes all
8 language under pendant State claims that the matter is being litigated as a representative action or
9 that Plaintiffs will comply with California Civil Procedure Class Action requirements.

10 NOW, THEREFORE, it is stipulated that:

- 11
- 12 1. Plaintiffs may file the Second Amended Complaint, attached as Exhibit A and
13 containing redlined amendments to the First Amended Complaint.
 - 14 2. Defendant does not oppose the Amendment.
 - 15 3. Defendant will file an answer or other responsive pleading within 21 days from the
16 date of filing of the Second Amended Complaint.

17
18 FOR PLAINTIFFS

19 DATED: May 13, 2013

20 By: /s/ Tomas Margain
21 Tomas E. Margain
22 Attorneys for Plaintiffs
LIBORIO HERNANDEZ and
ROGELIO RODRIGEZ-PEREZ

23 FOR DEFENDANT

24 DATED: May 13, 2013

25 By: /s/ Douglas M. Bria
26 JoAnna L. Brooks
27 Douglas M. Bria
David T. Wang
Attorneys for Defendant
NOR-CAL MOVING SERVICES

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER

Based on the above stipulation and GOOD CAUSE shown Plaintiffs are hereby granted leave to file a Second Amended Complaint which removes stray language that the matter is being brought as a representative action.

PURSUANT TO STIPULATION, IT IS SO ORDERED.



DATED: May 13, 2013

By: _____

HON. MARIA ELENA JAMES
Magistrate Judge of the United States
District Court

4832-4672-8211, v. 1