

1 Timothy J. Becker (MN Bar No. 256663)
 2 tbecker@johnsonbecker.com
 3 Jacob R. Rusch (MN Bar No. 391892)
 4 jrusch@johnsonbecker.com
 5 JOHNSON BECKER, PLLC
 6 444 Cedar Street, Suite 1800
 7 St. Paul, MN 55101
 8 Telephone: (612) 436-1800
 9 Fax: (612) 436-1801
 10 Trial Counsel for Plaintiffs

11 ROBERT G. HULTENG, Bar No. 071293
 12 rhulteng@littler.com

13 AURELIO J. PÉREZ, Bar No. 282135
 14 aperez@littler.com

15 BYUNG-KWAN PARK, Bar No. 306719
 16 bpark@littler.com

17 LITTLER MENDELSON, P.C.
 18 333 Bush Street, 34th Floor
 19 San Francisco, California 94104
 20 Telephone: 415.433.1940
 21 Facsimile: 415.399.8490
 22 Attorneys for Defendants

23 VELOCITY EXPRESS, LLC and TRANSFORCE,
 24 INC. and DYNAMEX OPERATIONS EAST, LLC

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION**

25 PHILLIP FLORES and DARAH DOUNG,
 26 individually and on behalf of all similarly
 27 situated individuals,

Plaintiffs,

v.

28 VELOCITY EXPRESS, LLC, a wholly-
 owned subsidiary of Dynamex Operations
 East, LLC¹, TRANSFORCE, INC., and
 DYNAMEX OPERATIONS EAST, LLC,

Defendants.

Case No. 3:12-cv-05790-JST

Assigned for all purposes to the Honorable Jon
 S. Tigar

**~~[PROPOSED]~~ ORDER GRANTING
 SECOND AND FINAL JOINT
 STIPULATION TO EXTEND
 DISCOVERY DEADLINES**

Complaint Filed: November 9, 2012
 FAC Filed: January 8, 2013
 SAC Filed: July 17, 2013
 TAC Filed: March 28, 2013
 4th AC Filed: June 26, 2014

¹ Formerly Dynamex Operations East, Inc.

1 The Parties, through their respective attorneys of record, respectfully request the Court extend
2 the discovery deadlines, trial date, and associated deadlines as set forth below. On July 27, 2016, the
3 Court granted the Parties' first joint stipulation to extend certain discovery deadlines. See Dkt. No.
4 210. Since that time, the Parties have conducted numerous depositions, produced additional
5 documents, and served and responded to various discovery and document production requests.
6 Currently, the Parties' Case Pool selections are due on November 4, 2016, while the Court's selection
7 date is November 18, 2016. The Parties have seven depositions scheduled in November (5 witnesses
8 for Defendants and 2 witnesses for Plaintiffs). Additionally, Plaintiffs are preparing responses to
9 Interrogatories and Document Requests for one Plaintiff, Timothy Clippard.
10

11 On October 4, 2016, Plaintiffs filed a Discovery Letter brief outlining various discovery
12 disputes between the Parties. See Dkt. No. 216. Discovery matters were subsequently referred to
13 Chief Magistrate Judge Joseph C. Spero on October 5, 2016. The Parties held an in-person meet-and-
14 confer on October 26, 2016, in Chief Magistrate Spero's courtroom and resolved all outstanding
15 disputes amicably. As a result, the Parties are now in the process of producing and reviewing the
16 agreed-to discovery.
17

18 Without an extension of the discovery deadlines, the Parties will be unable to adequately
19 prepare for trial selections, dispositive motions, and trial. The Parties are confident that no other
20 extensions will be necessary to complete discovery. As such, and subject to the Court's approval, the
21 Parties hereby stipulate to amend the deadlines in this case as follows:
22

| Matter | Current Date | Proposed Date |
|--------------------------------|-------------------------------|-------------------|
| Case Pool Selection Discovery | October 31, 2016 ² | December 2, 2016 |
| Expert Disclosures and Reports | November 18, 2016 | December 23, 2016 |
| Expert Rebuttal Reports | December 9, 2016 | January 13, 2017 |

23
24
25
26
27
28 ² The Parties informally agreed to extend Case Pool Selection Discovery in September.

| | | |
|--|---|---|
| Expert Deposition Period | November 14, 2016 – December 9, 2016 | December 27, 2016 – January 13, 2017 |
| Party Identification of Bellwether Trial Selections | November 4, 2016 | December 9, 2016 |
| Court Identification of Bellwether Trial Selection | November 18, 2016 | December 16, 2016 |
| Dispositive Motion Deadline | December 16, 2016 | January 20, 2017 |
| Pretrial Conference | | May 26, 2017 |
| Trial Schedule | March 27, 2017 | June 5, 2017 |

IT IS SO ORDERED.

Dated: November_8, 2016



 HONORABLE JON S. HGAR