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14 UNITED STATES DISTRICT COURT

15 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

16 PHILLIP FLORES and DARAH DOUNG,
 17 individually and on behalf of all similarly
 situated individuals,

18 Plaintiffs,

19 v.

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

22 Defendants.
 23

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

Assigned for all purposes to the Honorable Jon S.
 Tigar

**STIPULATION TO EXTEND CASE
 MANAGEMENT ORDER DEADLINES**

Complaint Filed:	Nov. 9, 2012
1st Amended Complaint Filed:	Jan. 8, 2013
2nd Amended Complaint Filed:	July 18, 2013
3rd Amended Complaint Filed:	Mar. 28, 2014
4th Amended Complaint Filed:	June 26, 2014

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**STIP TO EXTEND CMO
 DEADLINES**

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

1 THIS STIPULATION is hereby entered into by and between Plaintiffs PHILLIP FLORES
2 and DARAH DOUNG (“Plaintiffs”) and Defendants VELOCITY EXPRESS, LLC, TRANSFORCE,
3 INC. and DYNAMEX OPERATIONS EAST, LLC, (“Defendants”, collectively the “Parties”)¹
4 through their authorized counsel, with respect to the following:

5 WHEREAS, the Parties previously worked to develop a case management plan to cover the
6 litigation of the approximate 365 Plaintiffs in this action, which plan was memorialized in a
7 Proposed Case Management Order #4 (“CMO 4”). See Dkt. No. 297;

8 WHEREAS, this Court adopted CMO 4 with modification. See Dkt. No. 300.

9 WHEREAS, following further progress in the litigation, the Parties submitted a revised CMO
10 #4 that included specific deadlines for periods of Tranche 1 discovery and litigation. See Dkt. No.
11 304 at pg. 6.

12 WHEREAS, per the revised CMO #4, discovery for Tranche 1 closes on November 12, 2018
13 and the Parties have been working to schedule numerous Tranche 1 depositions. The Parties
14 recognize and agree that these depositions will require the investment of significant time and
15 resources by all Parties.

16 WHEREAS, the Parties have also continued to negotiate regarding a potential resolution of
17 this action and Boconvi v. TFI International Inc. et al. (Case No.: 3:17-cv-02623-JST), which is
18 currently on appeal.

19 WHEREAS, the Parties have agreed to return to mediation and, indeed, scheduled a
20 mediation on September 18, 2018 with Mark Rudy, a noted class action mediator who previously
21 mediated between the parties.

22 WHEREAS, all Parties recognize that the substantial costs associated with dozens of further
23 depositions are likely to reduce the prospects of a successful mediation and, further, that the logistics
24 related to scheduling a significant number of further depositions will limit the Parties’ abilities to
25 simultaneously commit sufficient resources to mediating the case.

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¹ On August 10, 2018 the Parties filed a stipulation to amend the case caption to account for a number of corporate
28 renaming and conversion processes that occurred with Defendants. See DKT No. 317. Pending the Court’s approval of
that stipulation, Defendants submit this stipulation under the names of the current case caption.

1 ACCORDINGLY, the Parties request a short extension to the deadlines of CMO #4 in order
2 to permit the parties to mediate and, with hope, resolve the claims in this action and the related
3 Boconvi case. The current and proposed deadlines are set forth in the table pasted below:

<u>Description</u>	<u>Current Deadline</u>	<u>Proposed Deadline</u>
Discovery Period for Tranche 1 Closes	11/12/18	12/21/18
Dispositive Motion Deadline	12/10/18	01/18/19
Discovery Period for Tranche 2 Opens	12/10/18	01/18/19
Dispositive Motion Opposition Deadline	12/31/18	02/08/19
Defendants Identify Terminal/Area/Regional Managers for Tranche 2	01/09/19	02/18/19
Dispositive Motion Reply Deadline	01/14/19	02/22/19

14
15 **IT IS SO STIPULATED.**

16 Dated: September 4, 2018

/s/ Aurelio J. Pérez
ROBERT G. HULTENG
AURELIO J. PÉREZ
PAUL E. GOATLEY
LITTLER MENDELSON, P.C.
Attorneys for Defendant
TF FINAL MILE, LLC

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20 Dated: September 4, 2018

/s/ Jacob R. Rusch
TIMOTHY J. BECKER
JACOB R. RUSCH
JOHNSON BECKER, PLLC
Trial Counsel for Plaintiffs

[PROPOSED] ORDER

Pursuant to the Parties' stipulation and for good cause shown, the deadlines related to Tranche 1 discovery and litigation are extended as set forth in the table pasted below:

<u>Description</u>	<u>Previous Deadline</u>	<u>New Deadline</u>
Discovery Period for Tranche 1 Closes	11/12/18	12/21/18
Dispositive Motion Deadline	12/10/18	01/18/19
Discovery Period for Tranche 2 Opens	12/10/18	01/18/19
Dispositive Motion Opposition Deadline	12/31/18	02/08/19
Defendants Identify Terminal/Area/Regional Managers for Tranche 2	01/09/19	02/18/19
Dispositive Motion Reply Deadline	01/14/19	02/22/19

IT IS SO ORDERED.

Dated: September 6, 2018



THE HONORABLE JON S. TIGAR
UNITED STATES DISTRICT JUDGE

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ATTESTATION FOR COMPLIANCE WITH CIVIL L.R. 5-1(i)(3)

I, Aurelio J. Pérez, declare under penalty of perjury and pursuant to the laws of California and the United States that I have in my possession e-mail correspondence from Jacob R. Rusch that the content of this Joint Stipulation is acceptable to all persons required to sign it.

Dated: September 4, 2018

/s/ Aurelio J. Perez
PAUL E. GOATLEY
LITTLER MENDELSON, P.C.

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