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14 Attorneys for Plaintiffs
 ANDREA SEWELL, CONRAD SILVA, and
 15 EDITH VIERA

16 UNITED STATES DISTRICT COURT
 17 NORTHERN DISTRICT OF CALIFORNIA

18 ANDREA SEWELL, CONRAD SILVA, and
 19 EDITH VIERA, individually, and on behalf of
 all others similarly situated,

20 Plaintiff,

21 v.

22 STATE COMPENSATION INSURANCE
 23 FUND,

24 Defendant.

Case No. 3:13-cv-00588 TEH

**JOINT STIPULATION AND
 [PROPOSED] ORDER TO CONTINUE
 THE CASE MANAGEMENT
 CONFERENCE DATE**

Complaint Filed: February 11, 2013

1 **JOINT STIPULATION**

2 This Stipulation is made by and between Plaintiffs (“Plaintiffs”) and Defendant State
3 Compensation Insurance Fund (“Defendant”), through their respective counsel of record, with
4 reference to the following facts:

5 1. On February 11, 2013, Plaintiffs filed their Complaint against Defendant in this
6 Court;

7 2. On April 12, 2013, Plaintiffs filed an Amended Complaint;

8 3. On April 29, 2013, Defendant filed its Answer to Plaintiffs’ Amended Complaint;

9 4. On May 20, 2013, at 1:30 p.m., the Court held an initial Case Management
10 Conference in this matter;

11 5. On May 20, 2013, the Court ordered a further Case Management Conference to
12 be held on August 19, 2013, at 1:30 p.m., with an updated joint case management statement due
13 seven (7) days before the Case Management Conference;

14 6. On August 12, 2013, the parties filed their updated joint case management
15 statement;

16 7. On August 14, 2013, the parties filed a joint stipulation to continue the Case
17 Management Conference because the parties had scheduled a mediation to occur on September
18 9, 2013 with class-action mediator Mark Rudy in San Francisco;

19 8. On August 14, 2013, this Court entered the Order Continuing the Case
20 Management Conference from August 19, 2013 to November 18, 2013;

21 9. The parties attended the mediation with Mark Rudy on September 9, 2013;

22 10. The case did not settle the day of the mediation, but progress was made and the
23 parties agreed to continue to explore resolution with the help of the mediator;

24 11. To facilitate further discussions State Fund needed to gather additional data
25 related to the putative class/collective and also complete a process internally to obtain additional
26 approval for further mediation from State Fund’s management;

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1 12. State Fund has diligently engaged in this process since September, but
2 encountered some problems with the data, which lengthened the process longer than anticipated;

3 13. The parties have agreed to continue the mediation and have worked out mutual
4 extensions on discovery deadlines and tolling as to the collective action members;

5 14. The parties previously agreed to toll the running of the statute of limitations (with
6 respect to the Fair Labor Standards Act claim alleged in the First Amended Complaint) for the
7 plaintiffs that file consent forms and opt-in to the FLSA collective action, beginning August 9,
8 2013, and continuing until after mediation;

9 15. The parties have extended the tolling agreement through November 22, 2013 to
10 facilitate continued settlement discussions and mediation efforts and will continue tolling on a
11 rolling basis as needed until settlement and mediation efforts have concluded;

12 16. The parties have also agreed to extend the deadlines for responding to discovery
13 that plaintiffs have propounded, such that the deadlines will not start to run until after the parties
14 have determined that settlement and mediation efforts have concluded or are no longer
15 productive;

16 17. The parties plan on negotiating/communicating through the mediator over the
17 next few weeks and will attempt to fully explore resolution over the telephone, and, if necessary,
18 the parties may possibly schedule a second day of mediation;

19 18. To accommodate the continuing settlement discussions and mediation efforts, as
20 well as to conserve judicial and party resources, the parties have agreed to request that the Court
21 continue the Case Management Conference currently set for November 18, 2013, until a date in
22 January 2014;

23 19. The parties believe this additional time is needed to fully explore settlement and
24 exhaust the mediation process while navigating around the coming holidays;

25 20. The parties further request that the Case Management Conference not be set from
26 January 23, 2014 to January 27, 2014 to accommodate counsel's preexisting travel plans.

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1 **NOW THEREFORE**, the Parties stipulate and jointly request that the Court continue the
2 date of the Case Management Conference, currently scheduled for November 18, 2013, to
3 January 13, 2014, at 1:30 p.m., or as soon thereafter as the Court's calendar permits (excluding
4 January 23, 2014 to January 27, 2014).

5 **IT IS SO STIPULATED.**

6 DATED: November 8, 2013

Respectfully submitted,

SEYFARTH SHAW LLP

By: /s/ Julie G. Yap

Mark P. Grajski

Brandon R. McKelvey

Julie G. Yap

Attorneys for Defendant

STATE COMPENSATION INSURANCE FUND

13 DATED: November 8, 2013

Respectfully submitted,

LAW OFFICE OF MARY-ALICE COLEMAN

By: /s/ Michael S. Ahmad

Michael S. Ahmad

Attorneys for Plaintiffs

ANDREA SEWELL, CONRAD SILVA, and

EDITH VIERA,

19 DATED: November 8, 2013

Respectfully submitted,

LAW OFFICES OF SOHNEN & KELLY

By: /s/ Harvey Sohnen

Harvey Sohnen

Attorneys for Plaintiffs

ANDREA SEWELL, CONRAD SILVA, and

EDITH VIERA,

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ORDER

After considering the Parties' Stipulation to Continue Date of the Case Management Conference, IT IS ORDERED that the current Case Management Conference scheduled for November 18, 2013, at 1:30 p.m., is continued to January 13, 2014, at 1:30 p.m. ~~[OR]~~ _____, 2014 at _____ a.m./p.m. An updated joint report shall be due January 3, 2014 ~~[OR]~~ _____, 2014.

IT IS SO ORDERED.

Dated: _____ 11/13 _____, 2013

U.S. DISTRICT

