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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

DARREN PAGE, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

GRAND HOME HOLDINGS INC. dba
BARBEQUES GALORE; and DOES 1
-10, inclusive,

Defendants.

Case No. CV 13 2754

JOINT DISCOVERY PLAN

1 Plaintiff DARREN PAGE (“Plaintiff” or “Page”) and Defendant GRAND
2 HOME HOLDINGS INC. DBA BARBEQUES GALORE (“Defendant”)
3 (collectively the “Parties”) submit this Joint Discovery Plan following the
4 conference of counsel, which commenced on October 7, 2013, pursuant to the
5 Court’s Order to Meet and Confer and Submit a Joint Discovery Plan (Docket No.
6 16).

7 WHEREAS, on August 21, 2013, the Parties stipulated to engage in
8 mediation through the Northern District’s Alternative Dispute Resolution Program
9 (Docket No. 7). On August 22, 2013, the Court entered an Order referring the case
10 to mediation, which is to be completed on or before December 20, 2013 (Docket
11 No. 8). On September 4, 2013, the Court appointed Andrew R. Wiener as the
12 Mediator in this case (Docket No. 10). The Parties participated in a pre-mediation
13 conference call with Mr. Wiener on October 8, 2013, and subsequently scheduled
14 the mediation for December 9, 2013.

15 WHEREAS, the Parties will engage in limited discovery before the December
16 9, 2013 mediation in order to adequately evaluate the claims and engage in a
17 meaningful and productive mediation. To this end, the Parties’ proposed discovery
18 plan is as follows:

- 19 A. The Parties exchanged Initial Disclosures on September 13, 2013.
- 20 B. On or before October 18, 2013:
- 21
- 22 1. Plaintiff will provide Defendant with copies of all documents in
23 his possession related to the claims in this action.
- 24
- 25 2. Defendant will provide Plaintiff with the following information:
26 (a) the number of putative class members; (b) the number of
27 former putative class members; (c) the average hourly rate for
28

putative class members; and (d) the number of work weeks that putative class members worked during the class period.

C. On or before October 25, 2013, Plaintiff will serve Defendant with any request for a statistically-relevant sampling of information regarding the California and FLSA classes.

1. On or before November 1, 2013, Defendant shall advise Plaintiff of any objections it has to the request(s) for statistically-relevant sampling and begin the meet and confer process. If the parties are unable to resolve any disputes after meeting and conferring, the Parties will submit a joint letter brief in compliance with the Court's standing order. To the extent that Defendant intends to comply with the requests, Defendant shall advise Plaintiff no later than November 1, 2013 of its intent to comply, and produce the requested information no later than November 20, 2013.

D. On or before November 8, 2013, Defendant shall produce copies of any handbooks or other written policies relating to the claims asserted by Plaintiff in the First Amended Complaint for the period of June 14, 2009 to the present.

E. Prior to the mediation, Plaintiff may take a deposition of the person(s) designated by Defendant who is most knowledgeable regarding the policies and practices related to the claims asserted in the First Amended Complaint. Similarly, Defendant reserves the right to take a one-day deposition of Plaintiff prior to Mediation. Any deposition conducted by the Parties shall be governed by Federal Rules of Civil Procedure, Rule 30, including the time period for providing notice of the deposition.

- 1 F. To the extent there are any disputes regarding the appropriate scope of
2 discovery prior to Mediation, the Parties shall meet and confer in good
3 faith in order to resolve any issues without Court intervention. If the
4 Parties are unable to informally resolve the dispute after meeting and
5 conferring, the Parties shall submit a joint letter brief in compliance
6 with the Court's standing order.
- 7
- 8 G. If the Parties fail to settle this matter at the December 9, 2013
9 mediation, the Parties may commence discovery. It is Plaintiff's
10 position that no limits should be placed on discovery. It is Defendant's
11 position that discovery should be limited to class certification issues. .

12 Dated: October 17, 2013

ATKINSON, ANDELSON, LOYA, RUUD &
ROMO

13 By: /s/
14 Amber M. Solano
15 Attorneys for Defendant GRAND
16 HOME HOLDINGS INC. dba
17 BARBEQUES GALORE

18 Dated: October 17, 2013

JAURIGUE LAW GROUP

19 By: /s/
20 Abigail A. Treanor
21 Attorney for Plaintiff DARREN PAGE

