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12 Attorneys for Defendant CSK AUTO, INC.  
 n/k/a O'Reilly Auto Enterprises, LLC

14 **UNITED STATES DISTRICT COURT**  
 15 **NORTHERN DISTRICT OF CALIFORNIA**

16 OSMIN MELGAR, individually and on  
 17 behalf of all others similarly situated,

18 Plaintiff,

19 v.

20 CSK AUTO, INC., an Arizona  
 Corporation, and DOES 1-100,

21 Defendants.  
 22

Case No. 3:13-CV-03769 (EMC)

**STIPULATION AND JOINT MOTION  
 TO CONTINUE CASE MANAGEMENT  
 CONFERENCE**

CMC Date: August 31, 2017  
 CMC Time: 10:30 AM

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**STIPULATION AND JOINT MOTION TO  
 CONTINUE CASE MANAGEMENT CONFERENCE**

1 This Stipulation and Joint Motion is entered into by and between Plaintiff Osmin Melgar  
2 and Karo Khatchadorian (“Plaintiffs”) and Defendant CSK Auto, Inc., n/k/a O’Reilly Auto  
3 Enterprises, LLC (“O’Reilly”), through their undersigned counsel of record. The Parties hereby  
4 stipulate and agree as follows:

5 1. On May 25, 2017, the Court entered a minute order granting in part, and denying  
6 in part, Plaintiffs’ motion to amend the class certification order in this action. The Court ordered  
7 the Parties to meet and confer and to submit a proposed joint class notice, and set a further  
8 telephonic Case Management Conference for August 31, 2017, at 10:30 AM. The Court also  
9 encouraged the Parties to communicate regarding settlement.

10 2. After meeting and conferring, the Parties have agreed to participate in mediation  
11 before Hon. William Pate (Ret.), in San Diego, California. The mediation is set for September 7,  
12 2017. In light of the confirmed mediation date, the Parties believe that it would be most efficient  
13 to continue the pending Case Management Conference until after the mediation.

14 3. The Parties further agree that dissemination of class notice at this time would not  
15 be an efficient use of resources, as the parties would have to duplicate those efforts (and costs)  
16 again in the event they reach an agreement to resolve the case through mediation.

17 4. Accordingly, the Parties respectfully request that the Court enter an order: (1)  
18 continuing the Case Management Conference to one month after the scheduled mediation, to  
19 October 5, 2017, subject to the Court’s availability; and (2) defer submission of a proposed joint  
20 class notice to coincide with the submission of an updated Case Management Conference  
21 Statement on September 28, 2017, subject to the Court’s availability.

22 **Respectfully Submitted,**

23 DATED: July 7, 2017

MICHAEL MALK, ESQ., APC

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25 By: */s/ Michael Malk*

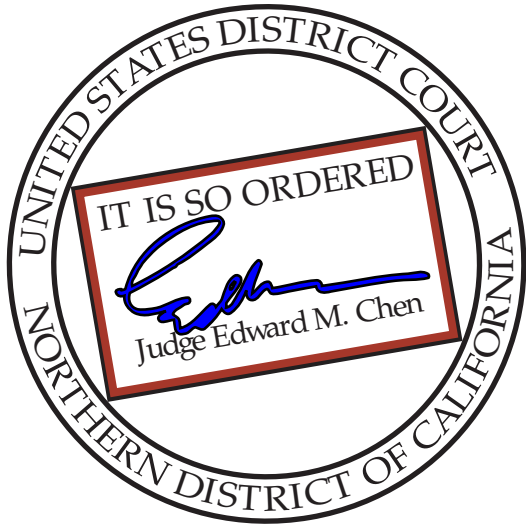
26 MICHAEL MALK.

27 Attorneys for Plaintiff OSMIN MELGAR and  
28 KARO KHATCHADOORIAN

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DATED: July 7, 2017

HIGGS FLETCHER & MACK, LLP



By: /s/ James M. Peterson  
JAMES M. PETERSON, ESQ.  
EDWIN BONISKE, ESQ.  
Attorneys for Defendant CSK AUTO, INC. n/k/a  
O'REILLY AUTO ENTERPRISES, LLC