

1 MICHAEL MALK (Bar No. 222366)  
 mm@malklawfirm.com  
 2 MICHAEL MALK, ESQ., APC  
 1180 South Beverly Drive, Suite 302  
 3 Los Angeles, CA 90035  
 Telephone: 310.203.0016  
 4 Facsimile: 310.499.5210

5 Attorneys for Plaintiffs  
 OSMIN MELGAR and KARO  
 6 KHATCHADOORIAN

7 JAMES M. PETERSON (Bar No. 137837)  
 peterson@higgslaw.com  
 8 EDWIN M. BONISKE (Bar No. 265701)  
 boniske@higgslaw.com  
 9 HIGGS FLETCHER & MACK LLP  
 401 West "A" Street, Suite 2600  
 10 San Diego, CA 92101-7913  
 Telephone: 619.236.1551  
 11 Facsimile: 619.696.1410

12 Attorneys for Defendant  
 CSK AUTO, INC. n/k/a O'Reilly Auto Enterprises,  
 13 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,  
 21 and DOES 1-100,

22 Defendants.

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

**STIPULATION AND JOINT MOTION TO  
 CONTINUE DEADLINE TO SUBMIT  
 AMENDED SETTLEMENT DOCUMENTS  
 PURSUANT TO THE COURT'S ORDER  
 CONDITIONALLY GRANTING  
 PLAINTIFF'S MOTION FOR  
 PRELIMINARY APPROVAL;  
 [PROPOSED] ORDER**

JUDGE: Hon. Edward M. Chen  
 DEPT: 5

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

5 1. On June 25, 2018, the Court entered an order conditionally granting Plaintiffs’  
6 motion for preliminary approval of the Parties’ class action settlement (Doc. 161). In that Order,  
7 the Court outlined a number of modifications that were required to be made to the settlement  
8 agreement, the proposed class notice, and the proposed order submitted in support of Plaintiffs’  
9 motion for preliminary approval. The Court ordered that the Parties “file an amended proposed  
10 class notice and an amended proposed order, along with an amended stipulation of settlement”  
11 within one week of the date of this order—by July 2, 2018.

12 2. Plaintiffs’ counsel is (and has been since the time that the order was issued on  
13 June 25, 2018) out of state on a pre-planned family vacation and is not scheduled to return to  
14 California until July 2, 2018—the date the revised settlement documents are presently due.  
15 Coincidentally, O’Reilly’s client representative and signatory to the settlement agreement is also  
16 out of town on a pre-planned vacation this week, scheduled to return on July 2, 2018.

17 3. Although counsel have already started working on preparing the necessary  
18 amendments to the settlement documents, the Parties do not believe that they will have signed,  
19 completed documents to file by July 2, 2018 in light of their respective unavailability. As such,  
20 and considering the upcoming Fourth of July holiday, the Parties have met and conferred and  
21 hereby jointly request that the Court continue the deadline to file the amended settlement  
22 agreement, amended proposed class notice, and amended proposed order for a period of one  
23 additional week—from July 2, 2017 to **July 9, 2018**.

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IT IS SO STIPULATED.

**Respectfully Submitted,**

DATED: June 27, 2018

MICHAEL MALK, ESQ., APC

By: /s/ Michael Malk  
Michael Malk

Attorneys for Plaintiffs OSMIN MELGAR and  
KARO KHATCHADOORIAN

DATED: June 27, 2018

HIGGS FLETCHER & MACK, LLP

By: /s/ Edwin M. Boniske  
James M. Peterson  
Edwin M. Boniske

Attorneys for Defendant CSK AUTO, INC. n/k/a  
O'REILLY AUTO ENTERPRISES, LLC

~~[PROPOSED]~~ ORDER

The Court, having reviewed the Parties' stipulation, and finding good cause therefore, hereby GRANTS the Parties' stipulation and joint motion. The Parties shall file an amended proposed class notice, an amended proposed order, and an amended stipulation of settlement in accordance with the Court's June 25, 2018 Order (Doc. 161) by no later than July 9, 2018.

DATED: 6/29/2018

