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18 Attorneys for Defendant, Source Refrigeration & HVAC, Inc.

19 **UNITED STATES DISTRICT COURT**
 20 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
 21 **SAN FRANCISCO DIVISION**

22 LYLE E. GALEENER, Individually and On
 Behalf of All Others Similarly Situated,

23 Plaintiff,

24 V.

25 SOURCE REFRIGERATION & HVAC,
 26 INC.,

27 Defendant.
 28

Case Number: 3:13-cv-04960-VC

**STIPULATION RE BRIEFING
 SCHEDULE RE MOTION TO STAY AND
 MOTION TO BAR COLLECTIVE AND
 CLASS ACTION STATUS**

1 WHEREAS, Defendant Source Refrigeration & HVAC, Inc. (“Source”) has filed a Motion
2 to Bar Collective and Class Action Status [Doc. 43] (“Motion to Bar”), and, pursuant to the Court’s
3 Order on a prior Stipulation [Doc. 47], Plaintiffs’ response is currently due on August 25, 2014, and
4 Source’s reply is currently due on September 8, 2014;

5
6 WHEREAS, Plaintiffs requested discovery relevant to that motion, including depositions
7 that are scheduled for August 20, 21, and 26;

8 WHEREAS, Defendant has agreed to Plaintiffs’ request that those depositions should be
9 completed in time for the parties to make use of the testimony in their opposition and reply briefing
10 on the Motion to Bar;

11
12 WHEREAS, Source has also filed a Motion to Stay Proceedings [Doc. 63] (“Motion to
13 Stay”), and, pursuant to Local Rule 7-3 (a), Plaintiffs’ response is currently due on August 14, 2014;

14 WHEREAS, the parties agree that upcoming developments in a similar state court action
15 may be relevant to the Motion to Stay;

16 THEREFORE, THE PARTIES AGREE AND STIPULATE TO THE FOLLOWING:

- 17
18 1. Plaintiffs’ response to Source’s Motion to Bar shall be due on August 29, 2014, and
19 Source’s reply shall remain due on September 8, 2014;
- 20 2. Plaintiffs’ response to Source’s Motion to Stay shall be due on August 28, 2014 and
21 Source’s reply is now due on September 4, 2014.

22 Pursuant to Local Rule 6-2, there have been no other time modifications on either motion,
23 aside from the original stipulation and related Order [Doc. 47] setting forth the briefing schedule
24 therein, and it is not anticipated that this extension will affect the schedule for the case. Also
25 pursuant to Local Rule 6-2, the declaration of John M. Padilla is attached as Exhibit A to the
26 Stipulation.
27

1 **IT IS SO STIPULATED.**

2 Dated: August 11, 2014

3
4 By: /s/ John M. Padilla

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19 Dated: August 11, 2014

20 By: /s/ Margaret A. Keane

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: August 12, 2014



The Honorable Vince Chhabria
United States District Judge

ATTESTATION OF SIGNATURE

Pursuant to Civil Local Rules 5-1(i)(3), the filer of this document attests that concurrence in the filing of this document has been obtained from the other signatory above.

DATED: August 11, 2014

PADILLA & RODRIGUEZ, L.L.P.

By: /s/John M. Padilla

Attorney for Plaintiffs

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CERTIFICATE OF SERVICE

In accordance with Civil Local Rule 5-5(a), I, the undersigned counsel, under penalty of perjury, certify pursuant to 28 U.S.C. § 1746, that the foregoing document is being electronically filed with the Clerk of the Court by using the CM/ECF system, which will in turn send a notice of the electronic filing to all counsel of record on August 11, 2014.

/s/ John M. Padilla
John M. Padilla

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Attorneys for Plaintiffs, Lyle E. Galeener, and the Putative Class

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

LYLE E. GALEENER, Individually and
On Behalf of All Others Similarly Situated,
Plaintiff,

Case Number: 3:13-cv-04960-VC

DECLARATION OF JOHN M.
PADILLA

V.
SOURCE REFRIGERATION & HVAC,
INC.,
Defendant.

Pursuant to 28 U. S. C. § 1746, I state under penalty of perjury that the following is true and
correct:

1. My name is John M. Padilla. I am over 21 years of age. I have never been convicted
of a felony, and I am fully competent to make this Declaration. The statements in this Declaration

EXHIBIT

A

exhibitsticker.com

1 are within my personal knowledge and are true and correct. I can truthfully testify to all the statements
2 herein.

3 2. I am one of the attorneys who represents Plaintiffs in the above-captioned case.
4 Pursuant to Local Rule 6-2, I offer this Declaration.

5 3. Defendant Source Refrigeration & HVAC, Inc. ("Source") has filed a Motion to Bar
6 Collective and Class Action Status [Doc. 43] ("Motion to Bar"), and, pursuant to the Court's Order
7 on a prior Stipulation [Doc. 47], Plaintiffs' response is currently due on August 25, 2014, and Source's
8 reply is currently due on September 8, 2014. Plaintiffs requested discovery relevant to that motion,
9 including depositions that are scheduled for August 20, 21, and 26. Defendant has agreed to
10 Plaintiffs' request that those depositions should be completed in time for the parties to make use of
11 the testimony in their opposition and reply briefing on the Motion to Bar.
12
13

14 4. In addition, Source has also filed a Motion to Stay Proceedings [Doc. 63] ("Motion to
15 Stay"), and, pursuant to Local Rule 7-3 (a), Plaintiffs' response is currently due on August 14,
16 2014. However, upcoming developments in a similar state court action may be relevant to the Motion
17 to Stay.
18

19 5. Accordingly, the parties filed a Stipulated Request for Order Changing Time as it
20 relates to the Opposition and Reply for the above-described Motions.

21 6. I do not anticipate the requested change of time to impact the schedule for the case.

22 7. A prior time modification was made by Order on Joint Stipulation [Doc. 47], with such
23 Order stating in pertinent part as follows:
24

25 "1) Plaintiff shall have until **August 25, 2014** to file his Opposition to Defendant's
26 Motion to Bar Plaintiff's Collective and Class Action Status;

27 2) Defendant shall have until **September 8, 2014** to file a Reply in support of its
28 Motion to Bar Plaintiff's Collective and Class Action Status;

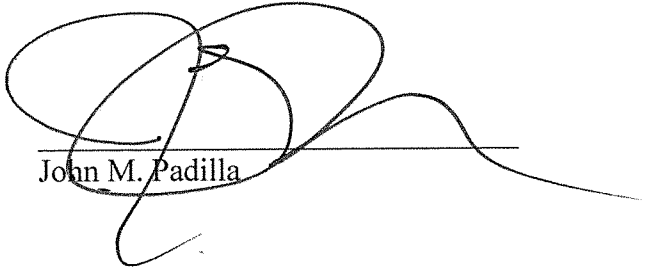
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3) Defendant's Motion to Bar Plaintiff's Collective and Class Action Status shall be heard on Thursday, **September 18, 2014** at 10:00 a.m.;

4) Plaintiff shall have until and through **August 25, 2014** to file his Motion for Conditional Certification; and

5) Defendant shall have 28 days after service of the moving papers to file its Opposition to Plaintiff's Motion for Conditional Certification."

Dated: August 11, 2014



John M. Padilla