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13 *Attorneys for Defendant*  
 14 *SOURCE REFRIGERATION & HVAC, INC.*

15 **UNITED STATES DISTRICT COURT**  
 16 **NORTHERN DISTRICT OF CALIFORNIA**  
 17 **SAN FRANCISCO DIVISION**

19 LYLE E. GALEENER, Individually and On )  
 20 Behalf of All Others Similarly Situated, )  
 21 Plaintiff(s), )  
 22 vs. )  
 23 SOURCE REFRIGERATION & HVAC, )  
 24 INC., )  
 25 Defendant(s). )  
 26 )  
 27 )

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

**JOINT STIPULATION TO STAY CASE  
 AND CONTINUE ALL PENDING  
 HEARINGS; ~~PROPOSED~~ ORDER**

1           **IT IS HEREBY STIPULATED** by and between Plaintiffs and Defendant (collectively  
2 the “Parties”), by and through their counsel of record, as follows:

3           **WHEREAS**, the Galeener action pending before this Court is one of four actions (the  
4 other matters are pending in the Superior Court of Orange County (*Meza v. Source, et al.*, No.  
5 380395-2); the District Court for Denver County, Colorado (*Vargas v. Source*, No. 2013-CV-  
6 32936), and the (United States District Court for the Western District of Texas-Austin Division  
7 (*Hamer v. Source*, 1:14-CV-570-55)) based on Source’s pay practices, and

8           **WHEREAS**, the Parties have agreed to pursue global resolution of all outstanding issues  
9 in these proceedings and to engage a third-party neutral for mediation. The first available date on  
10 which all Parties and counsel could proceed before a mutually agreeable mediator is November 4,  
11 2014, and the Parties have agreed to proceed on November 4, 2014;

12           **WHEREAS**, the Parties have agreed to request stays of litigation and continuances of all  
13 hearings in all four actions;

14           **WHEREAS**, the following motions are fully briefed and set for hearing before this Court  
15 on September 18, 2014, at 10:00 a.m. (collectively, the “September 18 motions”):

16                     Defendant’s Motion to Bar Collective and Class Certification (dkt. 43);

17                     Plaintiffs’ Motion to Amend (dkt. 52); and

18                     Defendant’s Motion to Stay (dkt. 63).

19           **WHEREAS**, the following motions are set for hearing on October 9, 2014, at 10:00 a.m.  
20 (collectively, the “October 9 motions”):

21                     Plaintiffs’ Motion to Certify Class Pursuant to Rule 23 (dkt. 58) (fully briefed);

22                     and

23                     Plaintiff’s Motion to Certify Class Under Rule 216(b) (dkt. 87) (Opposition  
24 currently due on September 15, 2014 and Reply on September 29, 2014).

25           **WHEREAS**, the Parties have agreed to request a stay of all outstanding matters as they  
26 attempt to reach a global resolution;

1           **WHEREAS**, to facilitate attempts to settle these cases, the Parties have agreed to a  
2 nationwide tolling agreement of FLSA claims through the actual hearing date on Plaintiff's  
3 motion for collective action;

4           **WHEREAS**, the Parties have agreed to the following revised briefing schedule and  
5 hearing date if mediation is unsuccessful:

6           Defendant's Opposition to Plaintiffs' Motion to Certify Collective Action due November  
7 18, 2014; and Plaintiff's Reply due November 27, 2014, with a hearing on December 11, 2014, or  
8 such date as this Court may order, with the September 18 motions to be heard on that date as well.

9           **THEREFORE**, the Parties respectfully request that the Court enter the following Order,  
10 that:

11           (1)     The September 18, 2014 motions and October 9, 2014 motions are continued to  
12 December 11, 2014;

13           (2)     All briefing schedules, hearing dates and discovery motions are stayed pending the  
14 Parties' mediation, with Defendant's Opposition to Plaintiffs' Motion to Certify Collective  
15 Action due November 18, 2014; and Plaintiff's Reply due November 27, 2014; and

16           (3)     The Parties will meet and confer and provide this Court with a status report by  
17 November 6, 2014.

18  
19 Dated: September 15, 2014

DLA PIPER LLP (US)

20 By:           /s/ Margaret A. Keane          

MARGARET A. KEANE

Attorneys for Defendant

SOURCE REFRIGERATION & HVAC, INC.

21  
22  
23 Dated: September 15, 2014

OUTTEN & GOLDEN LLP

24 By:           Jahan Sagafi          

JAHAN SAGAFI

Attorneys for Plaintiff and the Putative Class

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**ORDER**

IT IS HEREBY ORDERED that:

(1) The September 18, 2014 motions and October 9, 2014 motions are continued to December 11, 2014;

(2) All briefing schedules, hearing dates and discovery motions are stayed pending the Parties' mediation, with Defendant's Opposition to Plaintiffs' Motion to Certify Collective Action due November 18, 2014; and Plaintiff's Reply due November 27, 2014; and

(3) The Parties will meet and confer and provide this Court with a status report by November 6, 2014.

**IT IS SO ORDERED.**

Dated: September 15, 2014



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VINCE CHHABRIA  
UNITED STATES DISTRICT JUDGE