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Attorneys for Defendants DMSI Staffing, LLC and Ross Stores

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA - SAN FRANCISCO DIVISION

MARTINA HERNANDEZ, an
 individual, appearing individually and on
 behalf of all others similarly situated,

Plaintiff,

vs.

DMSI STAFFING LLC, ROSS
 STORES, INC. and DOES 1 through 30,
 inclusive,

Defendants.

Case No.: 3:14-CV-01531-EMC

[Assigned for All Purposes to the
 Honorable Edward M. Chen, Crtm. 5]

**PARTIES' JOINT CASE
 MANAGEMENT CONFERENCE
 STATEMENT**

Date: December 17, 2015

Time: 10:30 a.m.

Dept.: 5, 17th Floor

Complaint Filed: February 27, 2014

Trial Date: None Set

1 The Parties hereby submit this Joint Case Management Conference
2 Statement.

3 On February 3, 2015, the Court issued its Order granting in part and denying
4 in part Defendants' Motion to Compel Arbitration (Dkt. # 39). On March 6, 2015 at
5 the Parties' request the Court reset the further case management conference from
6 March 26, 2015 to December 17, 2015 and directed the Parties to file an updated
7 Joint Report by December 10. (Dkt. # 55).

8 On February 27, 2015 Defendants filed their Notice of Appeal of the Court's
9 Order denying Defendants' motion to compel individual arbitrations of Plaintiff's
10 Second Cause of Action under the California Private Attorney General Act,
11 ("PAGA"). On August 10, 2015, Defendants submitted their Opening Brief with
12 the United States Court of Appeals for the Ninth Circuit Case. No. 15-15366. On
13 October 23, Plaintiff submitted her Answering Brief with the Ninth Circuit.
14 Defendants' Reply Brief is due on December 4.

15 Defendants' appeal is undecided. The Ninth Circuit has not scheduled the
16 date for oral argument.

17 Consequently, the Parties request that the further case management
18 conference be continued from December 17, 2015 by six months pending resolution
19 of Defendants' appeal.

20 Dated: December 3, 2015 LAW OFFICES OF NEAL J. FIALKOW, INC.

21 By: /s/ James S. Cahill
22 James S. Cahill
23 Neal J. Fialkow
24 Attorneys for Plaintiff, Martina Hernandez,
individually and on behalf of all others similarly
situated.

25 Dated: December 3, 2015 WOLFLICK & SIMPSON

26 By: /s/ Gregory D. Wolflick
27 Gregory D. Wolflick
28 David B. Simpson
Attorneys for Defendants, DMSI Staffing, LLC
and Ross Stores

Signature Attestation

Pursuant to Civil Rule 5-1(i)(3) I hereby attest that all signatures are listed, on whose behalf the filing is submitted, concur in the filing's content and have authorized the filing.

Dated: December 3, 2015

LAW OFFICES OF NEAL J. FIALKOW, INC.

By: /s/ James S. Cahill

James S. Cahill

Neal J. Fialkow

Attorneys for Plaintiff, Martina Hernandez,
individually and on behalf of all others similarly
situated.

IT IS SO ORDERED that the further CMC is reset from 12/17/15 to 6/2/16 at 10:30 a.m. An updated joint CMC statement shall be filed by 5/26/16.

Edward M. Chen
U.S. District Judge

