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 and on behalf of all others similarly situated

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17 Attorneys for Defendants DMSI Staffing, LLC and Ross Stores

18 **UNITED STATES DISTRICT COURT**  
 19 **NORTHERN DISTRICT OF CALIFORNIA - SAN FRANCISCO DIVISION**

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

22 Plaintiff,

23 vs.

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

26 Defendants.  
 27  
 28

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 ; ORDER**

**Date:** June 2, 2016  
**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 Statement.

2 On February 3, 2015, the Court issued its Order granting in part and denying in part  
3 Defendants' Motion to Compel Arbitration (Dkt. # 39). On February 27, 2015 Defendants filed  
4 their Notice of Appeal of the Court's Order denying Defendants' motion to compel individual  
5 arbitrations of Plaintiff's Second Cause of Action under the California Private Attorney General  
6 Act, ("PAGA"). The Parties have filed their briefs with the Ninth Circuit.

7 On December 3, 2015 the Court reset the Further Case Management Conference from  
8 December 17, 2015 to June 2, 2016 and directed the Parties to file an updated Joint Case  
9 Management Conference Statement by May 26, 2016. (Dkt. # 62).

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

12 Consequently, the Parties request that the further case management conference be  
13 continued from June 2, 2016 by six months pending resolution of Defendants' appeal.

14  
15 Dated: May 3, 2016

LAW OFFICES OF NEAL J. FIALKOW, INC.

16 By: \_\_\_\_\_ /s/ James S. Cahill  
17 James S. Cahill  
18 Neal J. Fialkow  
19 Attorneys for Plaintiff, Martina Hernandez, individually  
20 and on behalf of all others similarly situated.

21  
22 Dated: May 3, 2016

WOLFLICK & SIMPSON

23 By: \_\_\_\_\_ /s/ Gregory D. Wolflick  
24 Gregory D. Wolflick  
25 David B. Simpson  
26 Attorneys for Defendants, DMSI Staffing, LLC and Ross  
27 Stores  
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**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: May 3, 2016

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 CMC is reset from 6/2/16 to 12/1/16 at 10:30 a.m. An updated joint CMC statement shall be filed by 11/23/16.

\_\_\_\_\_  
Edward M. Chen  
U. S. District Judge

