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20 Attorneys for Defendant
21 FOOT LOCKER RETAIL, INC.

22 UNITED STATES DISTRICT COURT
23 NORTHERN DISTRICT OF CALIFORNIA
24 SAN FRANCISCO DIVISION

25 RUMEKA McGLOTHIN, on behalf of herself
26 and all others similarly situated,

27 Plaintiff,

28 v.

FOOT LOCKER RETAIL, INC.; and DOES 1
through 20, inclusive

Defendants.

Case No.: 3:14-cv-02521-MEJ

**STIPULATION AND [PROPOSED] ORDER
TO CONTINUE THE SEPTEMBER 4, 2014
CASE MANAGEMENT CONFERENCE**

Complaint filed: April 30, 2014

1 Plaintiff RUMEKA McGLOTHIN and Defendant FOOT LOCKER RETAIL, INC., by and
2 through their respective undersigned counsel of record, hereby enter into the following Joint
3 Stipulation for a brief continuation of the Case Management Conference, currently set for
4 September 4, 2014, and all related deadlines.

5 **STIPULATION**

6 1. On June 2, 2014, Defendant removed this putative class action from the
7 Superior Court of California, in and for the County of San Francisco. See Doc. 1.

8 2. Along with its Notice of Removal, Defendant also filed a Notice of Pendency of
9 Other Action or Proceeding pursuant to Local Rule 3-13, noting that there are two other
10 pending cases involving similar issues and claims under California’s wage and hour laws and
11 covering some of the same putative class members and alleged class periods. The first of
12 these actions, *Kissinger, et. al. v. Foot Locker Retail, Inc.*, Case No. CGC-09-487345 (San
13 Francisco Superior Court) (“*Kissinger*”), was filed on April 15, 2009, on behalf of Defendant’s
14 non-exempt California employees and alleges claims for off-the-clock-work, forced patronage,
15 and failure to reimburse uniform expenses. The second case, *In re: Foot Locker Inc., Fair*
16 *Labor Standards Act (FLSA) and Wage and Hour Litigation*, MDL No. 2235 (E.D. Pa.)
17 (“MDL”), involves the centralization for coordinated and consolidated pretrial proceedings of
18 several putative class and/or collective actions, including a matter which was originally filed in
19 California on April 27, 2011. The MDL involves claims that Foot Locker failed to pay its non-
20 exempt retail employees for all time worked, including time spent on alleged off-the-clock
21 work. See Doc. 2.

22 3. On August 6, 2014, the Parties met and conferred regarding this case. During
23 the call, the Parties discussed the two other pending matters and Defendant provided Plaintiff
24 with some additional information. In particular, Defendant informed Plaintiff that an
25 agreement in principle had been reached to settle, on a class-wide basis, in both the
26 *Kissinger* and MDL matters. As counsel for Defendant is also counsel of record in *Kissinger*,

1 Defendant offered to provide Plaintiff with a copy of that settlement agreement once it was
2 filed.

3 4. A Motion for Preliminary Approval in *Kissinger*, along with the settlement
4 agreement, is currently due to be filed by September 9, 2014, and a hearing on that motion is
5 currently set for October 7, 2014 at 9:00 a.m.

6 5. Given the overlap in claims, and considering that the settlements in the
7 *Kissinger* and/or MDL matters may impact the scope of this current action going forward, the
8 Parties believe it would be premature to discuss scheduling pending the approval of the
9 *Kissinger* settlement.

10 6. Therefore, the Parties respectfully request that the Court continue the Case
11 Management Conference, currently scheduled for September 4, 2014, to a date after October
12 16, 2014, by which time the Motion for Preliminary Approval in the *Kissinger* matter will have
13 been heard and the Parties will have had an opportunity to meet and confer regarding the
14 appropriate scope of this case going forward and the impact that may have on scheduling in
15 this case.

16 Dated: August 19, 2014

HOFFMAN EMPLOYMENT LAWYERS

17 By: /s/ Michael Hoffman (with permission)

18 Michael Hoffman
19 Attorneys for Plaintiff
20 RUMEKA McGLOTHIN

21 Dated: August 19, 2014

MILLER LAW GROUP
A Professional Corporation

22 By: /s/ Tracy Thompson

23 Tracy Thompson
24 M. Michael Cole
25 Attorneys for Defendant
26 FOOT LOCKER RETAIL, INC.
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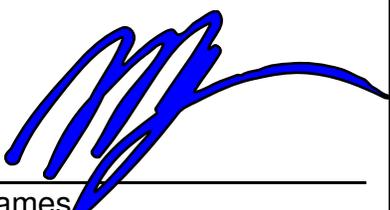
~~PROPOSED~~ ORDER

Good cause appearing therefor, the foregoing Joint Stipulation to Continue the September 4, 2014, Case Management Conference is approved, and it is hereby ordered that:

The Case Management Conference, currently set for September 4, 2014, is continued to November 13, 2014 at 10:00 a.m. o'clock. All other related deadlines, including the deadline for the Parties' Rule 26(f) Report and for the completion of initial disclosures, are continued accordingly.

PURSUANT TO STIPULATION, IT IS SO ORDERED

Dated: August 19, 2014



Hon. Maria-Elena James
Magistrate Judge of the U.S. District Court

4820-8860-1373, v. 1