

1 UNITED STATES DISTRICT COURT
 2 NORTHERN DISTRICT OF CALIFORNIA
 3 SAN FRANCISCO DIVISION

4 NICHOLAS SELBE, DANIEL GHYCZY,
 5 MAKAELA O'CONNELL, and ANNIYA
 6 LOUIS on behalf of themselves and others
 similarly situated,

7 Plaintiffs,

8 v.

9 PEAK CAMPUS MANAGEMENT, LLC,

10 Defendant.

Case No. 3:14-cv-3238-MMC
 ORDER APPROVING
**JOINT STIPULATION TO CANCEL
 CASE MANAGEMENT CONFERENCE
 AND CASE STATUS REPORT**

Date: ~~December 18, 2015~~

Time: ~~10:30 a.m.~~

Judge: Hon. Maxine M. Chesney

Location: Courtroom 7 (Telephonic)

Complaint filed: July 17, 2014

Trial date: Not set

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 13 Plaintiffs Nicholas Selbe, Daniel Ghyczy, Makaela O'Connell, and Anniya Louis
 14 ("Plaintiffs"), and Defendant Peak Campus Management, LLC ("Defendant") (collectively, the
 15 "Parties"), by and through their respective counsel, submit this Joint Stipulation to Cancel Case
 16 Management Conference and Case Status Report.

17 **BACKGROUND**

18 The original Complaint in this matter was filed on July 17, 2014. The Complaint alleges
 19 violations of the Fair Labor Standards Act (FLSA) as well as California state wage and hour law.
 20 The Defendant, Peak Campus Management, LLC, manages apartments that are intended for and
 21 marketed as housing for college and university students. The Plaintiffs were employed at these
 22 properties managed by the Defendant in a position called an "All-Star." For a specified number
 23 of hours worked, All-Stars were compensated through the provision of lodging. The Complaint
 24 alleges that pursuant to the FLSA, this lodging cannot be credited towards the payment of
 25 minimum wages at all and that under California wage and hour law, if the lodging may be
 26 credited at all, the permissible maximum is substantially less than the credit taken by the
 27 Defendant. The Defendant has denied that its employment or pay practices violated either the
 28 FLSA or California state wage and hour law.

1 On January 21, 2015, the Court conditionally certified this action as an FLSA collective
2 action (the "Consent Order"). The Consent Order approved the notice plan agreed upon by the
3 parties. Through the notice plan and opt-in process, 165 people filed a Consent to Join Collective
4 Action form to join the FLSA portion of the lawsuit as opt-in plaintiffs. An additional number of
5 people are putative plaintiffs pursuant to the California state law portion of the lawsuit resulting
6 in a total class size of approximately 204 class members.

7 On July 30, 2015, the Parties attended a full day private mediation session in Los Angeles,
8 California with experienced wage and hour mediator Michael E. Dickstein, Esq. at which the
9 Parties agreed to a settlement of this case. At the conclusion of mediation, the Parties entered into
10 a Memorandum of Understanding, which, subject to Court approval, is intended to be a full and
11 final resolution of this case.

12 **CASE STATUS**

13 The Parties have now entered into a formal settlement agreement, and on
14 November 20, 2015, Plaintiffs filed an unopposed Motion for Preliminary Approval of Class and
15 Collective Action Settlement. That motion is scheduled to be heard at 9:00 a.m. on
16 December 18, 2015, the same day on which a Case Management Conference is scheduled for
17 10:30 a.m. Given the pendency of the motion for preliminary approval and the hearing set for
18 December 18, 2015 at 9:00 a.m., the Parties submit that there is no need for a Case Management
19 Conference on December 18, 2015. As such, the Parties respectfully request that the
20 Case Management Conference scheduled for December 18, 2015 at 10:30 a.m. be cancelled.

1 Dated: December 11, 2015

KINGSLEY & KINGSLEY

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3 /s/ Eric B. Kingsley
ERIC B. KINGSLEY
LIANE KATZENSTEIN LY
4 Attorneys for Plaintiffs
NICHOLAS SELBE, DANIEL GHYCZY,
5 MAKAELA O'CONNELL, AND ANNIYA
LOUIS

7 Dated: December 11, 2015

DAVID, KAMP & FRANK, L.L.C.

8
9 /s/ Joshua M. David
JOSHUA M. DAVID
NICHOLAS A. NUNES
10 Attorneys for Plaintiffs
NICHOLAS SELBE, DANIEL GHYCZY,
11 MAKAELA O'CONNELL, AND ANNIYA
LOUIS

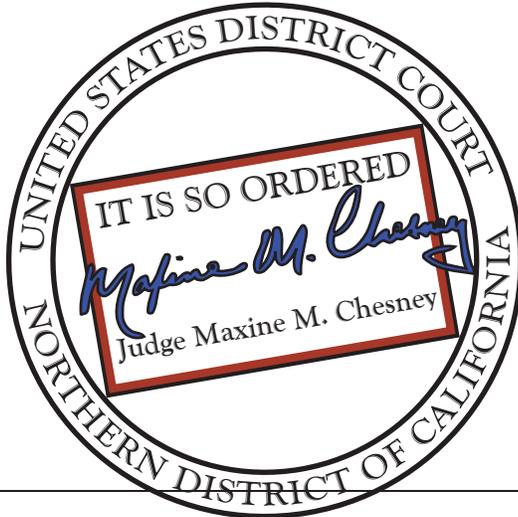
12 Dated: December 11, 2015

LITTLER MENDELSON, P.C.

13
14 /s/ Elizabeth Staggs Wilson
ELIZABETH STAGGS WILSON
15 FATEMEH MASHOUF
LITTLER MENDELSON, P.C.
16 Attorneys for Defendant
PEAK CAMPUS MANAGEMENT, LLC

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18 I, Joshua M. David, am the ECF User whose identification and password are being used to
19 file this Joint Stipulation and Case Status Report. In compliance with Local Rule 5-1(i)(3),
20 I hereby attest that all signatories hereto concurred in and authorized this filing.

21 By: /s/ Joshua M. David



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27 Dated: December 15, 2015