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18
 19 **UNITED STATES DISTRICT COURT**
 20 **NORTHERN DISTRICT OF CALIFORNIA**
 21

22 JULIA BERNSTEIN, et al.,

23 Plaintiffs,

24 vs.

25 VIRGIN AMERICA INC., et al.,

26 Defendants.

Case No. 15-cv-02277-JST

CLASS ACTION

**STIPULATIONS RE FURTHER
 PROCEEDINGS; ~~PROPOSED~~
 ORDER**

Trial Date: January 7, 2019

1 In an effort to resolve some of the outstanding issues in this action, to avoid a trial on
2 certain issues, and to permit the efficient entry of judgment by stipulation and/or by motion,
3 Plaintiffs, on behalf of themselves and the certified Class, and Defendants Virgin America Inc.
4 and Alaska Airlines, Inc., hereby stipulate and agree as follows:

5 1. *Monetary Relief for the Class*: Subject to and without Defendants waiving their
6 right to appeal liability in this matter, for purposes of the damages, penalties and monetary
7 restitution sought in this action, the Parties agree to an end date of December 15, 2017;

8 2. *Injunctive Relief for the Class*: Plaintiffs agree not to pursue injunctive relief in
9 this action;

10 3. *Plaintiffs' Incident Report Claims*: Pursuant to the Parties' separate stipulation,
11 Plaintiffs have voluntarily dismissed their individual claims for unpaid wages relating to incident
12 reports without prejudice. Dkt. 326.

13 4. *Career Choice*: Subject to and without Defendants waiving their right to challenge
14 whether a subclass may be properly maintained, the Parties agree to the following schedule:

- 15 a. September 6, 2018: Deadline for Plaintiffs to file their Rule 37 motion
16 regarding Defendants' Career Choice defense;
- 17 b. September 27, 2018: Deadline for Defendants' Opposition to Rule 37 motion;
- 18 c. October 11, 2018: Deadline for Plaintiffs' Reply to Rule 37 motion; and
- 19 d. November 1, 2018: Hearing on Plaintiffs' Rule 37 motion.
- 20 e. To the extent the Court allows Defendants to proceed with their affirmative
21 defense of release (*e.g.* the Court either denies in whole, or in part, Plaintiffs'
22 Rule 37 motion), the Court will set a Case Management Conference to address
23 how issues regarding the Career Choice participants will be resolved.

24 5. *Class Members Needing Notice*: Defendants produced an updated class list and
25 additional data on August 10, 2018. The updated class list contains approximately 98 newly-
26 identified, putative Class Members who were not previously sent court-ordered class notice. As a
27
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1 result, notice to these putative Class Members will be provided in accordance with the following
2 schedule:

- 3 a. August 24, 2018: Notice to be sent to the 98 putative Class Members; and
4 b. October 23, 2018: Deadline to opt out of the Class.
5 6. *Damages*: The Parties agree to the following schedule:
6 c. September 28, 2018: Plaintiffs to produce revised damages report to
7 Defendants;
8 d. October 15, 2018: Deadline for Parties to finish any meet and confer re
9 damages report; and
10 e. October 25, 2018: Deadline to file proposed stipulated judgment and/or any
11 motion for judgment on the following issues: (1) revised damages report; (2)
12 declaratory relief; (3) PAGA penalties;
13 f. November 8, 2018: Deadline to file any opposition to any motion for
14 judgment;
15 g. November 15, 2018: Deadline to file any reply to any motion for judgment;
16 and
17 h. November 29, 2018: Hearing on any motion for judgment.

18 Date: August 17, 2018

OLIVIER SCHREIBER & CHAO LLP

SHEPHERD FINKELMAN MILLER & SHAH LLP

/s/ Monique Olivier*

Monique Olivier
Attorneys for Plaintiffs and the Class

23 Date: August 17, 2018

MORGAN LEWIS & BOCKIUS LLP

/s/ RJ Hendricks

Robert Jon Hendricks
Attorneys for Defendants

26 * I, Monique Olivier, attest that RJ Hendricks has consented to this filing as required by the local
27 rules.
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1 **[PROPOSED] ORDER**

2 Pursuant to the stipulation of the parties and good cause appearing, the Court orders as
3 follows:

4 **Plaintiffs' Rule 37 Motion:**

- 5 1. September 6, 2018: Deadline for Plaintiffs to file their Rule 37 motion regarding
6 Defendants' Career Choice defense;
7 2. September 27, 2018: Deadline for Defendants' Opposition to Rule 37 motion;
8 3. October 11, 2018: Deadline for Plaintiffs' Reply to Rule 37 motion; and
9 4. November 1, 2018: Hearing on Plaintiffs' Rule 37 motion.

10 **Class Notice:**

- 11 1. August 24, 2018: Notice to be sent to the 98 putative Class Members; and
12 2. October 23, 2018: Deadline to opt out of the Class.

13 **Damages:**

- 14 1. September 28, 2018: Plaintiffs to produce revised damages report to Defendants;
15 2. October 15, 2018: Deadline for Parties to finish any meet and confer re damages report;
16 and
17 3. October 25, 2018: Deadline to file proposed stipulated judgment and/or any motion for
18 judgment on the following issues: (1) revised damages report; (2) declaratory relief; (3)
19 PAGA penalties;
20 4. November 8, 2018: Deadline to file any opposition to any motion for judgment;
21 5. November 15, 2018: Deadline to file any reply to any motion for judgment; and
22 6. ~~November 29, 2018:~~ Hearing on any motion for judgment.
23 December 6, 2018:

24 IT IS SO ORDERED.

25 DATED: August 20, 2018

26 
27 Jon S. Tigar
28 United States District Judge