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19 *Attorneys for* HOST INTERNATIONAL, INC.

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

22 JOSHUA GARCIA, individually, and on
23 behalf of other members of the general
24 public similarly situated, and as aggrieved
25 employees pursuant to the Private Attorneys
26 General Act (“PAGA”),

27 Plaintiff,

28 v.

29 HMS HOST, USA, INC., a Delaware
30 Corporation; and DOES 1 through 100,
31 inclusive,

32 Defendants.

Case No.: 3:17-cv-03069-RS

[Hon. Richard Seeborg, Crtm. 3]

**STIPULATION AND [~~PROPOSED~~]
ORDER TO CONTINUE CLASS
CERTIFICATION BRIEFING SCHEDULE**

Action Removed: May 26, 2017
Action Filed: April 25, 2017
FAC Filed: January 29, 2018

1 Pursuant to Civil L.R. 6-1 and 6-2, Joshua Garcia (“Plaintiff”) and Host International, Inc.
2 (“Defendant”) (collectively “Parties”), through their respective counsel of record, and subject to
3 the approval of the Court, hereby stipulate to continue the current briefing schedule for class
4 certification based on the following good cause:

5 On September 28, 2017, the Court issued a Case Management Scheduling Order, which
6 set the hearing on Plaintiff’s motion for class certification for August 23, 2018 and ordered that
7 Plaintiff shall file his motion for class certification on or before May 30, 2018, Defendant shall
8 file its opposition on or before July 16, 2018, and Plaintiff shall file his reply on or before August
9 6, 2018 [Dkt. 20];

10 Since then, three other plaintiffs have filed class action complaints against Defendant,
11 seeking to assert substantially similar claims to the claims in this action. The cases are: *Kelly*
12 *Smith v. Host International, Inc.*, Eastern District of California Case No. 1:17-cv-01487-DAD-
13 *MJS*; *Jennifer Wilson v. Host International, Inc., HMS Host USA, Inc., and HMS Host Family*
14 *Restaurants, Inc.*, Central District of California Case No. 2:18-cv-00916-RS; and *Sera Garcia v.*
15 *Host International, Inc. and HMS Host USA, Inc.*, Southern District of California Case No. 3:18-
16 cv-00173-CPC (BLM);

17 In each of the other three actions, Defendant has filed a motion to dismiss, stay, or
18 alternatively, transfer the action to the Northern District to be consolidated with this action;

19 The Parties in this action have agreed to have participate in private mediation on March
20 15, 2018, with respected wage and hour mediator David Rotman;

21 The Parties informally agreed to postpone further written discovery and depositions to
22 focus their time and resources towards resolving this matter at mediation;

23 The requested continuance is made in good faith and will not cause undue prejudice. The
24 Parties have been diligently engaged in formal and informal discovery. The Parties believe that
25 the requested continuance will allow the Parties to focus their time and efforts on resolving this
26 case at mediation or through post-mediation settlement discussions. Further, the requested
27 continuance will allow the parties more time to resolve the issues relating to the other three
28 actions.

1 Other than the above class certification briefing schedule, the stipulated continuance will
2 not alter the date of any other event or deadline already fixed by the Court;

3 NOW THEREFORE, IT IS HEREBY STIPULATED by and between the Parties, through
4 their respective counsel, that the class certification briefing scheduling set forth in the Court's
5 Case Management Scheduling Order dated September 28, 2017 be continued as follows:

6 Plaintiff's motion for class certification	July 26, 2018
7 Defendant's opposition to class certification	September 10, 2018
8 Plaintiff's reply brief re: class certification	October 1, 2018
9 Hearing on class certification	October 18, 2018

11 Dated: March 7, 2018

Respectfully submitted,

13 **BAKER & HOSTETLER LLP**

14 By: /s/ Shareef Farag
15 Margaret Rosenthal
16 Shareef Farag
17 Nicholas D. Poper

18 *Attorneys for*
HOST INTERNATIONAL, INC.

19 Dated: March 7, 2018

THE BAINER LAW FIRM

20 By: /s/ Matthew R. Bainer
21 Matthew R. Bainer

22 *Attorneys for Plaintiff*
JOSHUA GARCIA

23 I, Matthew R. Bainer, attest that all other signatures listed, and on whose behalf the filing
24 is submitted, concur in the filing's contents and have authorized the filing.
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~~[PROPOSED]~~ ORDER

Pursuant to the Stipulation of Plaintiff Joshua Garcia and Defendant Host International, Inc. filed on March 7, 2018, and GOOD CAUSE APPEARING THEREFORE, it is hereby ordered:

Therefore, the Class Certification hearing is continued from August 23, 2018 to October 25, 2018 at 1:30 p.m;

Plaintiff's deadline to file his motion for class certification is continued from May 30, 2018 to July 26, 2018;

Defendant's opposition to class certification is continued from July 16, 2018 to September 10, 2018; and

Plaintiff's reply, if any, to defendant's opposition is continued from August 6, 2018 to October 1, 2018.

IT IS SO ORDERED.

DATED: 3/9/18



Hon. Richard Seeborg
United States District Judge