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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION

ANIL GOYAL, JORGE OCHOA,
RODOLFO SANCHEZ, JASWINDER
SINGH, JAVIER TOVAR CORTEZ,
ABRAHAM BURCIAGA, MOY
NARAYAN, MIGUEL ZAVALA,
FELICIANO AHUMADA, MANUEL
ALDANA, FRANCISCO LOPEZ
BARBOZA, ARMANDO BRICENO,
FRANCISCO CHAVEZ, OSCAR
MARTINEZ DAVILA, ANTONIO
ESCAMILLA, RAUL FIGUEROA,
FERMIN FLORES, JORGE LIMA,
PEDRO LOPEZ, SALVADOR
MADERA, ENRIQUE MARTINEZ,
JOSE MOZO, JOSE OROZCO,
CARLOS RANGEL PALOMO,
FRANKLIN SERPAS, SAUL SERPAS,
OSCAR GUTIERREZ, JUAN ELIUD
TEMBLADOR, JOE CORREA, JAJVIR
DHESI, JUAN DOMINGUEZ,
ROBERTO GUTIERREZ, ANTONIO
GUTIERREZ, CARLOS HERNANDEZ,
AURELIO GARCIA MACHUCA,

Case No.: 3:17-cv-06081-EMC

**AMENDED STIPULATION REGARDING
TOLLING OF STATUTES OF LIMITATION
FOR ADDITIONAL PLAINTIFFS**

STIPULATION REGARDING TOLLING OF STATUTES
OF LIMITATION FOR ADDITIONAL PLAINTIFFS

CASE NO.: 3:17-CV-06081-EMC

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RODOLFO MONZON, ALEJANDRO PEREZ, CESAR PEREZ, LOMBARDO RAMOS, DAVID RAZO, AMARJEET SINGH, INDERPAL SINGH, MANJIT SINGH, MARIO TORRES, IGNACIO VARGAS, JUAN SANCHEZ, LEWIS KIRAGU, VIJAY SINGH, GABRIEL MURRIETA, and ARMANDO PRIETO

Plaintiffs,

v.

CSX INTERMODAL TERMINALS, INC., and DOES 1 to 10 inclusive,

Defendants.

1 Plaintiffs Anil Goyal, Jorge Ochoa, Rodolfo Sanchez, Jaswinder Singh, Javier Tovar Cortez,
2 Abraham Burciaga, Moy Narayan, Miguel Zavala, Feliciano Ahumada, Manuel Aldana, Francisco
3 Lopez Barboza, Armando Briceno, Francisco Chavez, Oscar Martinez Davila, Antonio Escamilla,
4 Raul Figueroa, Fermin Flores, Jorge Lima, Pedro Lopez, Salvador Madera, Enrique Martinez, Jose
5 Mozo, Jose Orozco, Carlos Rangel Palomo, Franklin Serpas, Saul Serpas, Oscar Gutierrez, Juan
6 Eliud Temblador, Joe Correa, Jajvir Dhesi, Juan Dominguez, Roberto Gutierrez, Antonio Gutierrez,
7 Carlos Hernandez, Aurelio Garcia Machuca, Rodolfo Monzon, Alejandro Perez, Cesar Perez,
8 Lombardo Ramos, David Razo, Amarjeet Singh, Inderpal Singh, Manjit Singh, Mario Torres,
9 Ignacio Vargas, Juan Sanchez, Lewis Kiragu, Vijay Singh, Gabriel Murrieta, and Armando Prieto
10 (“Plaintiffs”) and Defendant CSX Intermodal Terminals, Inc. (“Defendant” or “CSXIT”), by and
11 through their undersigned counsel, hereby stipulate as follows:

12 In this action, 51 Plaintiffs, former Drivers performing services for Defendant (referred to by
13 Defendant as “Owner-Operators”), currently assert various claims against Defendant pursuant to the
14 California Labor Code and applicable Wage Order and also under California Business and
15 Professions Code, section 17200, et. seq.

16 On November 20, 2017, Plaintiffs’ counsel informed Defendant’s counsel that Mario Lopez,
17 a former Owner-Operator/Driver for Defendant and additional potential plaintiff herein, had
18 retained Plaintiffs’ counsel to prosecute the same claims as the current 51 Plaintiffs in this matter.

19 The parties recognize that Plaintiffs’ counsel may be retained by other former Owner-
20 Operators/Drivers for Defendant who wish to prosecute similar claims, in addition to Mario Lopez,
21 and that it would be unnecessarily time-consuming for both sides to cause Plaintiffs to seek to
22 amend the operative complaint on multiple occasions as other Owner-Operators/Drivers retain
23 Plaintiffs’ counsel.

24 On December 8, 2017, the Court scheduled the first Case Management Conference in this
25 matter to January 25, 2018.

26 Accordingly, Plaintiffs and Defendant stipulate as follows:

27 To the extent that any Owner-Operator/Driver retains Plaintiffs’ counsel to assert any Claim
28

1 or Claims under any state or federal wage and hour statute, or under common law, such Claims for
2 those individuals will be tolled beginning on November 30, 2017 and will remain tolled until
3 January 25, 2018 (the "Tolling Period"). The Tolling Period shall be excluded from, and not
4 counted in, computing the running of time under any statute(s) of limitation, doctrine of laches,
5 waiver, estoppel, or any other defense based upon the passage of time ("Timing Defense"), that
6 might be asserted as a bar, limitation, or defense to any suit, action, or claim between the Defendant
7 and any Owner-Operator/Driver retained by Plaintiffs' counsel during this period. The running of
8 all applicable statutes of limitations shall re-commence on January 26, 2018.

9 This tolling agreement applies to Mario Lopez and any other Owner-Operator/Driver who
10 retains Plaintiffs' counsel prior to January 25, 2018.

11 During the duration of the tolling agreement any Owner-Operators/Drivers who retain
12 Plaintiffs' counsel will refrain from filing state or federal Claims against Defendants regarding the
13 subject of this Agreement.

14 The purpose and effect of this Agreement is to stop the running of any applicable statute of
15 limitations or other filing deadline as of November 30, 2017 and to restart the running of that statute
16 of limitations and/or other filing deadline on January 26, 2018. In other words, the statutes and/or
17 other deadlines are not reset by the execution of this stipulation.

18 **IT IS SO STIPULATED.**

19
20 Dated: January 5, 2018

Respectfully submitted,

LEONARD CARDER, LLP

By: /s/ David Pogrel

Aaron Kaufmann
David P. Pogrel

Attorneys for Plaintiffs

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Dated: January 5, 2018

THE CULLEN LAW FIRM, APC

By: /s/ Paul T. Cullen
Paul T. Cullen
Barbara DuVan-Clarke

Attorneys for Plaintiffs

Dated: January 5, 2018

JONES DAY

By: /s/ Amanda C. Sommerfeld
Amanda C. Sommerfeld
Elizabeth K. Yates

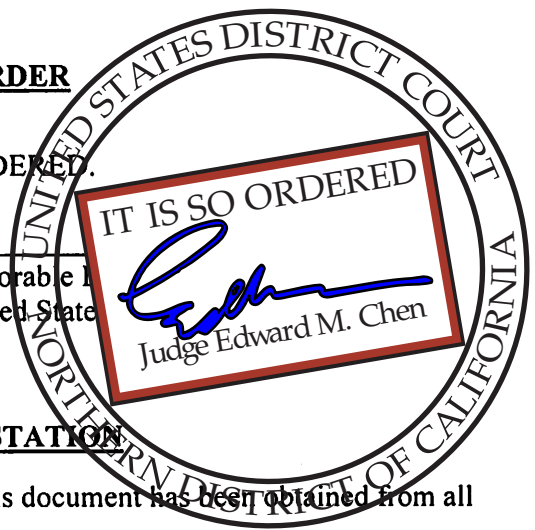
Attorneys for Defendant
CSX INTERMODAL TERMINALS, INC.

~~**[PROPOSED] ORDER**~~

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: January 9, 2018

Honorable
United States



SIGNATURE ATTESTATION

I hereby attest that concurrence in the filing of this document has been obtained from all persons whose signatures are indicated by a "conformed" signature (/S/) within this efiled document.

DATED: January 5, 2018

JONES DAY

By: /s/
Amanda C. Sommerfeld

Attorneys for Defendant
CSX INTERMODAL TERMINALS, INC.