

1 ERIC A. GROVER (SBN 136080)
eagrover@kellergrover.com
 2 ROBERT W. SPENCER (SBN 238491)
rspencer@kellergrover.com
 3 **KELLER GROVER LLP**
 1965 Market Street
 4 San Francisco, California 94103
 Telephone: (415) 543-1305
 5 Facsimile: (415) 543-7861

6 Attorneys for Plaintiff
 Joseph Slade

7
 8 **UNITED STATES DISTRICT COURT**
 9 **NORTHERN DISTRICT OF CALIFORNIA**

10 JOSEPH SLADE, as an individual and on
 11 behalf of all others of similarly situated,

12 Plaintiffs,

13 v.

14 LMS INTELLIBOUND, LLC; CAPSTONE
 15 LOGISTICS, LLC; and DOES 1 through 10,
 inclusive,

16 Defendants.

) Case No: 18-cv-00119-JST

) CLASS ACTION

) **STIPULATION AND [~~PROPOSED~~]**
ORDER TO CONTINUE CASE
MANAGEMENT CONFERENCE AND
ASSOCIATED DEADLINES;
DECLARATION OF ROBERT
SPENCER IN SUPPORT THEREOF

) [Local Rule 6-2]

KELLER GROVER LLP
 1965 Market Street, San Francisco, CA 94103
 Tel. 415.543.1305 | Fax 415.543.7861

1 The parties, Plaintiff Joseph Slade (“Plaintiff”) and Defendants LMS Intellibound, LLC
2 and Capstone Logistics, LLC (“Defendants”), through their respective counsel, hereby stipulate
3 as follows:

4 WHEREAS, the Court has scheduled a case management conference for December 19,
5 2018;

6 WHEREAS, the parties are scheduled to file a joint case management statement by
7 December 12, 2018;

8 WHEREAS, there are two other cases pending against Defendant Capstone Logistics,
9 LLC and a related company, Pinnacle Workforce Logistics, L.L.C., in state court [*Tapia v.*
10 *Capstone Logistics, LLC and Pinnacle Workforce Logistics, L.L.C.*, Santa Clara County Superior
11 Court Case No. 17cv319864 and *Gomez and Lopez v. Pinnacle Workforce Logistics, L.L.C.*, San
12 Bernardino County Superior Court Case No. CIVDS1804163].

13 WHEREAS, the parties in all three cases participated in an all-day mediation session on
14 July 13, 2018, with respected mediator Hunter R. Hughes, Esq.;

15 WHEREAS, on July 18, 2018, the parties in all three cases reached an agreement in
16 principle and are finalizing the terms of a settlement;

17 WHEREAS, the parties have agreed in principal to consolidate this action in San
18 Bernardino Superior Court with the *Gomez* and *Tapia* actions;

19 WHEREAS, the parties are finalizing the settlement agreement and have reserved a
20 February 1, 2019 hearing date for the motion for preliminary approval in San Bernardino Superior
21 Court;

22 WHEREAS, upon receiving an order granting preliminary approval the parties will seek
23 to stay this matter pending the completion of the settlement process;

24 WHEREAS, the parties have met and conferred through counsel and have agreed to the
25 schedule set forth below:

26 1. The case management conference shall be continued from December 19, 2018 to
27 February 13, 2019, or a date thereafter convenient to the Court.

KELLER GROVER LLP
1965 Market Street, San Francisco, CA 94103
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2. The deadline for the parties to file a joint case management statement shall be continued to seven days before the continued date for the case management conference.

IT IS SO STIPULATED.

Dated: December 12, 2018

KELLER GROVER LLP

By: /s/ Robert W. Spencer
ERIC A. GROVER
ROBERT W. SPENCER
Attorneys for Plaintiff

Dated: December 12, 2018

SEYFARTH SHAW LLP

By: /s/ Eric E. Hill
ERIC E. HILL
Attorneys for Defendants

KELLER GROVER LLP
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Attestation Pursuant to Civil Local Rule 5-1(i)

Pursuant to Civil Local Rule 5-1(i), I, Robert Spencer, hereby attest that I have obtained the concurrence in the filing of this document from the signatory to this document.

I declare under penalty of perjury under the law of the United States that the foregoing is true and correct. Executed this **12th** day of December 2018 in San Francisco, California.

/s/ Robert Spencer
Robert Spencer


KELLER GROVER LLP
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[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS ORDERED, that the case management conference is continued from December 19, 2018 to March 20, 2019 at 2:00 p.m. The parties shall file a joint case management statement by March 13, 2019.

Dated: December 12, 2018



HON. JOHN S. TIGAR
UNITED STATES DISTRICT JUDGE

DECLARATION OF ROBERT W. SPENCER

I, ROBERT W. SPENCER, hereby declare:

1. I am an attorney duly admitted to the practice of law in the State of California and before this Court. I am an associate with the law firm Keller Grover LLP, counsel for Plaintiff Joseph Slade in this action. I have personal knowledge of the facts stated herein and, if called as a witness, I could and would testify competently to the facts set forth below.

2. A case management conference is scheduled for December 19, 2018.

3. There are two other cases pending against Defendant Capstone Logistics, LLC and a related company, Pinnacle Workforce Logistics, L.L.C., in state court [*Tapia v. Capstone Logistics, LLC and Pinnacle Workforce Logistics, L.L.C.*, Santa Clara County Superior Court Case No. 17cv319864 and *Gomez and Lopez v. Pinnacle Workforce Logistics, L.L.C.*, San Bernardino County Superior Court Case No. CIVDS1804163]. The parties in all three cases participated in an all-day mediation scheduled for July 13, 2018 with respected mediator Hunter R. Hughes, Esq. The parties for all three cases reached an agreement in principle and are working on a formal settlement agreement.

4. The parties have agreed in principal to consolidate this matter with the *Gomez and Tapia* matters in San Bernardino Superior Court. The parties are finalizing the settlement agreement and have reserved a February 1, 2019 hearing date for the preliminary approval motion. Upon receiving an order granting preliminary approval the parties will seek to stay this matter pending the completion of the settlement process.

5. The parties met and conferred through counsel regarding continuing the case management conference and associated deadlines in light of the successful mediation and have agreed to continue the case management conference from December 19, 2018 to February 13, 2019, or a date thereafter convenient to the Court. The parties have likewise agreed to move the deadlines to file a joint case management conference statement to seven days before the new date for the case management conference.

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6. I declare, under penalty of perjury, under the laws of the United States and the State of California, that the foregoing is true and correct. Executed this 12th day of December 2018, at San Francisco, California.

/s/ Robert W. Spencer

ROBERT W. SPENCER