

1 DOUGLAS J. FARMER, CA Bar No. 139646  
 douglas.farmer@ogletree.com  
 2 LAUREN M. COOPER, CA Bar No. 254580  
 lauren.cooper@ogletree.com  
 3 OGLETREE, DEAKINS, NASH, SMOAK &  
 STEWART, P.C.  
 4 Steuart Tower, Suite 1300  
 One Market Plaza  
 5 San Francisco, CA 94105  
 Telephone: 415.442.4810  
 6 Facsimile: 415.442.4870

7 Attorneys for Defendants  
 MATTRESS FIRM, INC., TFORCE FINAL  
 8 MILE WEST, LLC (incorrectly named as  
 Dynamex) and XPO LAST MILE, INC. d/b/a  
 9 XPO LOGISTICS (incorrectly named as XPO  
 Logistics Supply Chain, Inc.)  
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11 **UNITED STATES DISTRICT COURT**  
 12 **NORTHERN DISTRICT OF CALIFORNIA**  
 13

14 ALFREDO BRAVO,  
 15  
 Plaintiff,  
 16  
 v.  
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18 ON DELIVERY SERVICES, LLC; JORGE  
 ALFARO; FRISCO BAY TRANSPORT,  
 INC.; DYNAMEX; XPO LOGISTICS  
 19 SUPPLY CHAIN, INC.; AMAZON.COM  
 SERVICES, INC.; IKEA U.S. WEST, INC.;  
 20 MATTRESS FIRM, INC.; AND NORTH  
 AMERICAN LOGISTICS GROUP LLC,  
 21  
 Defendant.  
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Case No. 3:18-cv-01913-EMC

**STIPULATED REQUEST AND  
 [PROPOSED] ORDER FOR EXTENSION  
 OF BRIEFING SCHEDULE RE MOTION  
 TO DISMISS AND STRIKE AND  
 CONTINUING CASE MANAGEMENT  
 CONFERENCE**

Complaint Filed: February 14, 2018  
 Removal Date: March 28, 2018  
 FAC Filed: June 21, 2018  
 Trial Date: None yet set

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1 **TO THE COURT, ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 Defendants Mattress Firm, Inc. (“Mattress”), TForce Final Mile West, LLC (incorrectly  
3 named as Dynamex) (“TForce”), and XPO Last Mile, Inc. d/b/a/ XPO Logistics (incorrectly named  
4 as XPO Logistics Supply Chain, Inc.) (“XPO”) (collectively, “Defendants”), on the one hand, and  
5 Plaintiff Alfredo Bravo (“Plaintiff”), on the other hand, by and through their respective counsel of  
6 record, hereby stipulate as follows:

7 WHEREAS, Plaintiff filed a First Amended Complaint on June 21, 2018 (Dkt No. 40).

8 WHEREAS, Mattress, XPO and TForce filed a Joint Motion to Dismiss and Motion to  
9 Strike Plaintiff’s First Amended Complaint on July 5, 2018 (Dkt. No. 46).

10 WHEREAS, Plaintiff’s counsel filed a Notice of Unavailability with the Court on July 5,  
11 2018 notifying the Court, Parties and respective counsel that he would be out of the country and  
12 unavailable between July 20, 2018 and August 4, 2018 (Dkt. No. 45).

13 WHEREAS, on May 24, 2018, the Court reset the initial case management conference from  
14 June 28, 2018 to August 9, 2018 (Dk. No. 26).

15 WHEREAS, the hearing on Mattress, XPO and TForce’s Joint Motion to Dismiss and  
16 Strike is scheduled for August 9, 2018.

17 WHEREAS, counsel for Plaintiff needs additional time to prepare Plaintiff’s opposition to  
18 Defendants’ Motion to Dismiss and Strike as a result of his unavailability during part of July and  
19 August.

20 WHEREAS, Plaintiff agreed to provide Defendants with a reciprocal extension of time to  
21 file their reply brief.

22 WHEREAS, the Parties desire to reschedule the hearing date on Mattress, XPO and  
23 TForce’s Motion to Dismiss and Strike to allow for the extended briefing schedule; and

24 WHEREAS, the Parties desire to reschedule the initial case management conference to take  
25 place after the hearing on Defendants’ Motions to Dismiss and Strike.

26 NOW, THEREFORE, the Parties have met and conferred, and agree upon the following:

- 27 1. Plaintiff will file his opposition to Defendant Mattress, XPO and TForce’s Motion to  
28 Dismiss and Strike the First Amended Complaint on or before August 9, 2018.

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- 2. Defendants Mattress, XPO and TForce will file their reply in support of their joint Motion to Dismiss and Strike the First Amended Complaint on September 6, 2018.
- 3. The hearing on Defendants Mattress, XPO and TForce's Motion to Dismiss and Strike Plaintiff's First Amended Complaint shall be continued to September ~~13~~<sup>20</sup>, 2018 at 1:30 p.m., or to a date and time that is convenient for the Court.
- 4. The initial case management conference shall be continued to September ~~13~~<sup>20</sup>, 2018 at ~~9:30 a.m.~~<sup>1:30 p.m.</sup>, or to a date and time that is convenient for the Court.

IT IS SO STIPULATED.

DATED: July 13, 2018

OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.

By: /s/ Lauren M. Cooper  
DOUGLAS J. FARMER  
LAUREN M. COOPER  
Attorneys for Defendants  
MATTRESS FIRM, INC., TFORCE FINAL MILE WEST, LLC (incorrectly named as Dynamex) and XPO LAST MILE, INC. d/b/a XPO LOGISTICS (incorrectly named as XPO Logistics Supply Chain, Inc.)

DATED: July 13, 2018

KLETTER LAW

By: /s/ Cary Kletter  
CARY KLETTER  
Attorneys For Plaintiff  
ALFREDO BRAVO

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**SIGNATURE ATTESTATION**

Pursuant to Civil Local Rule 5-1(i)(3), I attest that concurrence in the filing of this document has been obtained from the other signatories.

DATED: July 13, 2018

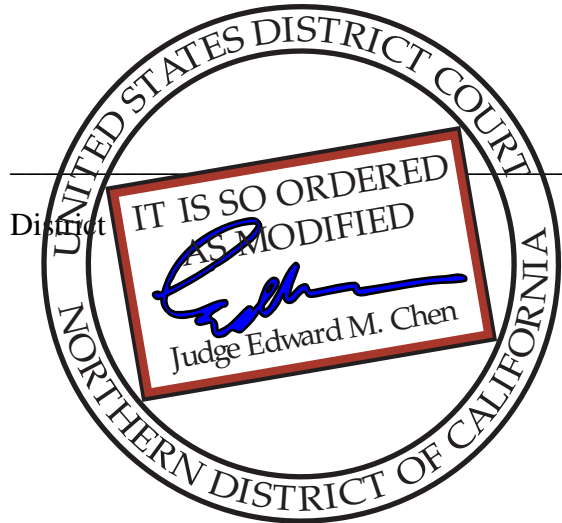
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By: /s/ Lauren M. Cooper  
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**PURSUANT TO STIPULATION, IT IS SO ORDERED.** (modified above)

7/17/2018

Date: \_\_\_\_\_



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