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SPECIALTY'S CAFE AND BAKERY, INC.,
17 and CRAIG SAXTON

18 UNITED STATES DISTRICT COURT
19 NORTHERN DISTRICT OF CALIFORNIA

20 NICOLA COVILLO, TROYREAC HENRY
21 and JOHN CHISHOLM, individually and on
behalf of all others similarly situated,
22 Plaintiffs,
23 v.
24 SPECIALTY'S CAFE AND BAKERY, INC.,
25 and CRAIG SAXTON,
26 Defendants.

Case No. 11-CV-00594-DMR

**STIPULATION AND [~~PROPOSED~~]
ORDER CONTINUING DEADLINE TO
FILE JOINT LETTER REGARDING
DISCOVERY DISPUTES**

1 The parties hereby stipulate as follows:

2 WHEREAS, on or about April 17, 2012, Plaintiffs filed letters with the Court regarding
3 Plaintiffs' issues with Defendant Specialty's Café and Bakery, Inc. and Defendant Craig Saxton's
4 discovery responses. On April 20, 2012, the Court entered an Order requiring the parties to meet
5 and confer regarding the discovery dispute. The parties' current deadline to file a joint letter
6 regarding any discovery disputes is August 22, 2012;

7 WHEREAS, pursuant to the Court's April 20th Order, the parties have met and conferred
8 on numerous occasions, and have resolved many of their discovery issues. On May 15, 2012,
9 Defendants served amended and supplemental discovery responses. The Defendants also
10 produced additional documents and information in anticipation of the parties' mediation, which
11 took place on June 18, 2012;

12 WHEREAS, the parties' mediation proved unsuccessful and as a result, the parties have
13 continued to meet and confer regarding the outstanding discovery disputes. As a result of these
14 discussions, Defendants prepared amended responses to discovery requests and produced
15 thousands of documents.

16 WHEREAS, in light of the progress made, on July 20, 2012, the Court agreed to extend
17 the deadline to file a joint letter until August 22, 2012. Since that date the parties have made
18 substantial progress with respect to discovery disputes. Since July 20, 2012, Defendants have
19 produced

- 20
- 21 • all timecard data pertaining to members of the California class, as requested by
22 Plaintiffs' counsel;
 - 23 • all "coffee break" reports pertaining to members of the California class as requested
24 by Plaintiffs' counsel;
 - 25 • a report concerning all "dirty invoices" for the entire class period;
 - 26 • management handbooks;
 - 27 • documents showing the accounting of tips;
 - 28 • documents showing the accounting of delivery fees;

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- a sample “house floor operations schedule” (based upon agreement with Plaintiffs’ counsel); and
- a sample daily deployment chart (based upon agreement with Plaintiffs’ counsel).

Defendants have also served Plaintiffs with Amended Responses to Request for Production of Documents, Set Two.

Defendants will also serve Amended Responses to Request for Production of Documents, Set One on or before August 21, 2012.

The parties have significantly narrowed the discovery-related issues in dispute over the last several months. The parties continue to meet and confer to narrow those issues. Thus, in order to avoid potentially unnecessary discovery motion practice, the parties request that the Court provide the parties with additional time to allow Defendants to modify further their responses and produce additional documents and information. Additionally, the parties request additional time to resolve any outstanding discovery issues that remain thereafter.

IT IS THEREFORE STIPULATED AND AGREED that to the extent there remain any outstanding discovery disputes, the parties’ current deadline to file a joint letter shall be continued until August 29, 2012.

IT IS SO STIPULATED.

Respectfully submitted,

HARRIS & RUBLE

Date: August 20, 2012

By _____ /s/
Alan Harris

Attorneys for Plaintiffs
NICOLA COVILLO, TROYREAC HENRY
and JOHN CHISHOLM

I hereby attest that I have on file all holograph signatures for any signatures indicated by a “conformed” signature (/S/) within this efiled document.

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1 Date: August 20, 2012

JACKSON LEWIS LLP

2
3 By _____ /s/
4 Punam Sarad
5 Attorneys for Defendants
6 SPECIALTY'S CAFE AND BAKERY, INC.,
7 and CRAIG SAXTON

8 * * *

9 **IT IS HEREBY ORDERED AS FOLLOWS:**

10 To the extent the parties are unable to resolve all discovery disputes through the continued
11 meet and confer process, the parties shall file a joint letter on or before August 29, 2012.

12 DATED: August 21, 2012

13 
14 _____
15 Honorable Donna M. Ryu
16 United States Magistrate Judge

17 4825-3893-4544, v. 1