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**UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 OAKLAND DIVISION**

JUSTIN ASTON, STEVEN DE BORBA, and  
 FREDRICK RODRIGUEZ, individually and on  
 behalf of all similarly-situated current and  
 former employees of UNITED PARCEL  
 SERVICE, INC. and UPS GROUND  
 FREIGHT, INC.

Plaintiffs,

v.

UNITED PARCEL SERVICE, INC. and UPS  
 GROUND FREIGHT, INC.,

Defendants.

CASE NO. 4:15-cv-02497-JSW  
CLASS ACTION

Judge: Hon. Jeffrey S. White  
 Courtroom: 5

**JOINT STIPULATION AND ~~[PROPOSED]~~  
 ORDER TO CONTINUE: DEADLINE  
 REGARDING CLASS CERTIFICATION  
 DISCOVERY, FUTHER CASE  
 MANAGEMENT CONFERENCE, AND  
 HEARING ON PLAINTIFFS' MOTION  
 FOR CLASS CERTIFICATION**

Action Removed: June 4, 2015  
 Trial Date: None Set

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1 **TO THE COURT:**

2 By and through their respective counsel of record, Plaintiffs Steven E. De Borba and  
3 Fredrick Rodriguez (“Plaintiffs”) and Defendants United Parcel Service, Inc. and UPS Ground  
4 Freight, Inc. (“Defendants”) (collectively “the parties”) hereby submit this Stipulation and  
5 [Proposed] Order To Continue: Deadline Regarding Class Certification Discover, Further Case  
6 Management Conference, and Hearing On Plaintiffs’ Motion For Class Certification.

7 By and through their respective attorneys of record, the parties stipulate and agree as  
8 follows:

9 WHEREAS, on September 11, 2015, the Court scheduled a Further Case Management  
10 Conference and Hearing on Motion for Class Certification, respectively at 9:00 a.m. and 11:00  
11 a.m.;

12 WHEREAS, on March 11, 2016, the parties held a first mediation with experienced  
13 mediator, David Rotman, and at the close of the session, determined a second mediation was  
14 necessary to attempt to settle the claims;

15 WHEREAS, on March 28, 2016, the Court continued the hearing on Plaintiffs’ Motion for  
16 Class Certification to September 23, 2016 at 9:00 a.m.;

17 WHEREAS, consistent with continuance of the hearing on Plaintiffs’ Motion for Class  
18 Certification, the parties requested additional time to conduct discovery related to class  
19 certification;

20 WHEREAS, on May 23, 2016 the Court continued the parties’ discovery deadline related  
21 to class certification(s) to August 19, 2016;

22 WHEREAS, Defendants are still in the process of gathering and organizing the documents  
23 to be provided to Plaintiffs prior to the mediation in order for Plaintiffs to prepare a thorough  
24 analysis of the claims on behalf of the putative class members and prepare Plaintiffs’ class-wide  
25 damages analysis so that the parties may engage in a meaningfully and productive mediation;

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1 WHEREAS, the parties have met and conferred and rescheduled the mediation in this  
2 matter for the first available date for mediator David Rotman and the parties, which is now  
3 currently scheduled for is September 21, 2016;

4 WHEREAS, the outcome of the second mediation will determine whether Plaintiffs will  
5 file their Motion for Class Certification(s);

6 WHEREAS, the parties therefore request the discovery deadline related to class  
7 certification(s) is continued approximately 30 days from the date of mediation, or as soon  
8 thereafter as is convenient to the Court;

9 WHEREAS, consistent with the Court's Order of September 11, 2015, where the Further  
10 Case Management Conference and Hearing on Motion for Class Certification were scheduled to  
11 be held on the same day, the parties request that the Further Case Management Conference and  
12 Plaintiffs' Hearing on Motion for Class Certification be continued to December 2, 2016,  
13 sequentially at 9:00 a.m. and 11:00 a.m.

14 THEREFORE, the undersigned Parties jointly request through this stipulation that the  
15 Court enter an order continuing the Further Case Management Conference to December 2, 2016  
16 at 9:00 a.m. or as soon thereafter as is convenient to the Court to permit the parties to engage in  
17 mediation.

18 THEREFORE, the parties propose that discovery deadline related to class certification  
19 motion(s) be completed by October 21, 2016.

20 THEREFORE, the Parties respectfully request that the Court continue the hearing on  
21 Plaintiffs' Motion for Class Certification to December 2, 2016 at 11:00 a.m., or as soon thereafter  
22 as convenient for the Court, to allow the Parties time to complete pre-class certification discovery  
23 and preparation of the motion fully and thoroughly, in the event that the Parties are unable to  
24 reach a settlement at the mediation on September 21, 2016.

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1 DATED: 7/18/16

GRAHAMHOLLIS APC

3 By: /s/ Marta Manus  
4 Attorney for Plaintiffs  
E-mail: mmanus@grahamhollis.com

5 DATED: 7/18/16

GRUBE BROWN & GEIDT LLP

6  
7 By: /s/ Amanda Bolliger Crespo  
Attorney for Defendants  
E-mail: amandacrespo@gbglp.com

9 On July 18, 2016 counsel for Defendants, Amanda Bolliger Crespo provided authorization  
10 to affix her electronic signature to this document.

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

2 **IT IS SO ORDERED THAT THE STIPULATION IS APPROVED.**

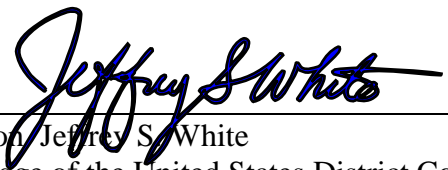
3 The Court, having reviewed the foregoing Stipulation and good cause appearing therefore,  
4 orders as follows:

- 5 1. The Further Case Management Conference scheduled for August 19, 2016 is  
6 continued to:  
7 December 2, 2016 at 11:00 a.m.
- 8 2. The Court hereby orders that pursuant to the stipulation of the parties, discovery  
9 related to class certification motion(s) shall be completed by October 21, 2016.
- 10 3. The hearing on Plaintiffs' Motion for Class Certification currently scheduled for  
11 September 23, 2016 is continued to December 2, 2016 at 9:00 a.m.  
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13 The filing deadlines will be pursuant to code.

14 **IT IS SO ORDERED.**

15 Dated: July 20, 2016

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17 Hon. Jeffrey S. White  
18 Judge of the United States District Court  
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