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Counsel for Plaintiffs

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

GERALD JOHNSON, MAISHA
GROCHOWSKI, STEVEN AGUILAR, and
HECTOR PORTILLO, Individually and On
Behalf of All Others Similarly Situated,

Plaintiffs,

v.

COMPASS GROUP, USA, INC.,

Defendant.

Case No. 4:17-cv-03543-KAW

CLASS ACTION

**JOINT STIPULATION AND
~~PROPOSED~~ ORDER REQUESTING
CONTINUANCE OF CASE
MANAGEMENT CONFERENCE**

1 Plaintiffs Gerald Johnson, Maisha Grochowski, Steven Aguilar, and Hector Portillo, and
2 Defendant Compass Group, Inc., by and through undersigned counsel, stipulate to and jointly
3 request a brief continuance of the Case Management Conference currently scheduled for
4 September 19, 2019 at 1:30 p.m. The parties respectfully request that the hearing be continued
5 from September 19, 2017 to October 31, 2017 at 1:30 p.m., or the next date thereafter available
6 on the Court’s calendar in order to permit Plaintiffs time to determine how to proceed in a
7 pending class action settlement in a related action that could extinguish their claims in this case.

8 Procedural History and Prior Extensions.

9 Plaintiffs are former employees of Defendant who filed this action on June 20, 2017 (ECF
10 No. 1) as a putative class action alleging various violations of the California Labor Code,
11 including the failure to provide meal and rest breaks and pay minimum wages and overtime.
12 Plaintiffs’ Complaint was served on June 26, 2017. Shortly thereafter counsel for Defendant
13 alerted Plaintiffs to a related case pending in the Superior Court of Riverside County, California,
14 *Romero, et al., v. Compass Group, USA, Inc.*, Case No. CIVDS1512026 (the “*Romero Action*”).
15 ECF No. 7.

16 A class action settlement was preliminarily approved in the *Romero Action* after
17 Plaintiffs’ Complaint was filed in which Plaintiffs are all putative class members. Plaintiffs have
18 since received their class notices and are determining how to proceed with respect to the
19 settlement, which will greatly impact how this case would proceed (if at all) in terms of
20 scheduling, discovery, and motion practice. Plaintiffs have until September 21, 2017, to accept
21 the settlement in the *Romero Action* and a final approval hearing is set for October 3, 2017.
22 Accordingly, in order to preserve the Parties’ and the Court’s resources, the Parties respectfully
23 request that the Court put this matter over until October 31, 2017, or date thereafter, so that if
24 Plaintiffs’ claims are resolved in whole or in part by the settlement in the *Romero Action* they can
25 either dismiss their claims in this matter or come back to the Court with a better proposal for
26 discovery, motion practice, and scheduling that would reflect the scope of the case at that point.

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The Parties have not previously requested any continuances or extensions in this matter and this request does not impact any other deadlines in the case.

Respectfully submitted,

DATED: September 12, 2017

KAPLAN FOX & KILSHEIMER LLP

By: /s/ Matthew B. George
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Counsel for Plaintiffs

Dated: September 11, 2017

FISHER & PHILLIPS LLP

By: /s/ Lonnie D. Giamela

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Counsel for Defendant Compass Group, Inc.

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ORDER

PURSUANT TO STIPULATION, **IT IS HEREBY ORDERED:**

The case management conference is continued from September 19, 2017 to October 31, 2017, at 1:30 p.m. ~~or~~ _____ . The Parties shall file their initial case management conference statement no later than seven (7) calendar days before the case management conference.

Dated: 9/13/17



Magistrate Judge Kandis A. Westmore
United States District Judge