

1 GAINES & GAINES, APLC  
 Alex P. Katofsky, Esq.  
 2 Daniel F. Gaines, Esq.  
 27200 Agoura Road, Suite 101  
 3 Calabasas, CA 91301  
 Telephone: 818-703-8985  
 4 Email: alex@gaineslawfirm.com  
 5 daniel@gaineslawfirm.com

6 Attorneys for Plaintiff,  
 7 ROY RICHARD

8 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP  
 A Limited Liability Partnership  
 9 Including Professional Corporations  
 MORGAN P. FORSEY, Cal. Bar No. 241207  
 10 KEAHN N. MORRIS, Cal. Bar No. 273013  
 Four Embarcadero Center, 17<sup>th</sup> Floor  
 11 San Francisco, California 94111-4109  
 Telephone: 415.434.9100  
 12 Facsimile: 415.434.3947  
 E mail mforsey@sheppardmullin.com  
 13 KMorris@sheppardmullin.com

14 Attorneys for Defendant,  
 A-PARA TRANSIT CORP.

16 UNITED STATES DISTRICT COURT FOR THE  
 17 NORTHERN DISTRICT OF CALIFORNIA

19 ROY RICHARD, an individual, on behalf of  
 20 himself and all “aggrieved employees”  
 pursuant to Labor Code §2698, *et seq.*

21 Plaintiff,

22 v.

23 A-PARA TRANSIT CORP., a California  
 24 corporation; and DOES 1 through 10,

25 Defendants.  
 26

Case No. 4:17-cv-5299-HSG

**JOINT STIPULATION FOR REQUEST  
 FOR CONTINUANCE OF FEBRUARY 27,  
 2018 CASE MANAGEMENT  
 CONFERENCE AND CASE  
 MANAGEMENT CONFERENCE-  
 RELATED DATES**

[Proposed Alternate Date: March 27, 2018]

Hon. Haywood S. Gilliam, Jr.

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

2 Pursuant to Northern District of California Local Rules 6-1, 6-2, and 7-12, Plaintiff Roy  
3 Richard (“Plaintiff”) and Defendant A-Para Transit Corp. (“Defendant”), by and through their  
4 respective counsel, hereby respectfully stipulate and jointly request that the Court continue the  
5 February 27, 2018 case management conference, and all related deadlines, until some further date  
6 convenient for this Court.

7 **RECITALS**

8 WHEREAS, on August 4, 2017, Plaintiff individually and on behalf of all “aggrieved  
9 employees” under the Private Attorneys General Act (“PAGA”), filed a Representative Action in  
10 the Superior Court of California, County of Alameda, Case No. HG 17 870373 (“the Complaint”).

11 WHEREAS, Defendant was served with the Complaint on August 14, 2017.

12 WHEREAS, on September 13, 2017, Defendant filed a Notice of Removal of the  
13 Complaint.

14 WHEREAS, on September 13, 2017, this case was assigned to Magistrate Judge Joseph S.  
15 Spero.

16 WHEREAS, on September 29, 2017, this case was reassigned to this Court.

17 WHEREAS, on September 29, 2017, this Court set a case management conference for  
18 December 19, 2017.

19 WHEREAS, the parties have met and conferred regarding ADR and have agreed to private  
20 mediation to be held on January 11, 2018.

21 WHEREAS, the Court granted the parties’ Stipulation for Request for Continuance of the  
22 December 19, 2017 case management conference until February 27, 2018 to allow the parties to  
23 focus on resolving the matter at the January 11, 2018 mediation.

24 WHEREAS, the parties are continuing to negotiate in good faith to reach a resolution of  
25 this matter despite not being able to resolve this matter at mediation.

26 WHEREAS, Plaintiff has informed Defendant that Plaintiff intends to file a Motion for  
27 Remand to State Court in the event the parties are not able to resolve this matter.

28

1           WHEREAS, the parties are in the process of meeting and conferring regarding a First  
2 Amended Complaint and a Stipulation to Remand to State Court.

3           WHEREAS, counsel for the parties have met and conferred and agree that continuing the  
4 February, 27, 2018 Case Management Conference and all Case Management Conference-related  
5 dates, will conserve attorneys' fees and court resources and serve the interests of judicial economy  
6 by allowing the parties to focus on meeting and conferring regarding a possible remand to state  
7 court.

8           WHEREAS, the parties stipulate that the Case Management Conference be continued to  
9 March 27, 2018, or such other date as the Court deems appropriate, and that all Case Management  
10 Conference-related dates be continued as well.

11           WHEREAS, counsel for the parties submit that the continuance will not, at this early stage,  
12 have a significant effect on the overall schedule for this case because it will only affect Case  
13 Management Conference-related dates (date to conduct the Fed. R. Civ. P. 26(f) conference,  
14 complete Initial Disclosures or state objection in the 26(f) Report, submit the Joint Case  
15 Management Conference Statement, and attend the Case Management Conference).

16           WHEREAS, Keahn Morris attests that Daniel Gaines concurs in filing this stipulation.

17

18           **SO STIPULATED.**

19

20 Dated: November 27, 2017           GAINES & GAINES, APLC

21

22   By    /s/ Daniel F. Gaines  
23   Alex P. Katofsky, Esq.  
24   Daniel F. Gaines, Esq.

24

25

26

27

28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Dated: February 13, 2018

SHEPPARD MULLIN RICHTER & HAMPTON LLP

By /s/ Keahn N. Morris  
Morgan P. Forsey  
Keahn N. Morris  
  
*Attorneys for Defendants*

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28


~~PROPOSED~~ ORDER

IT IS HEREBY ORDERED, pursuant to the stipulation of the parties and good cause appearing, that the Case Management Conference currently set for February 27, 2018, be continued to March 27, 2018, at 2:00 p.m.

IT IS FURTHER ORDERED that the parties shall meet and confer prior to the conference and shall prepare a joint Case Management Conference Statement that complies with the Standing Order For All Judges Of the Northern District of California and the Standing Order of this Court, and that shall be filed no later than 7 days prior to the Case Management Conference.

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

DATED: 2/20/2018

  
The Honorable Haywood S. Gilliam, Jr.  
United States District Judge

1 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP  
A Limited Liability Partnership  
2 Including Professional Corporations  
MORGAN P. FORSEY, Cal. Bar No. 241207  
3 KEAHN N. MORRIS, Cal. Bar No. 273013  
Four Embarcadero Center, 17<sup>th</sup> Floor  
4 San Francisco, California 94111-4109  
Telephone: 415.434.9100  
5 Facsimile: 415.434.3947  
E mail mforsey@sheppardmullin.com  
6 KMorris@sheppardmullin.com

7 Attorneys for Defendant,  
A-PARA TRANSIT CORP.  
8  
9

10 UNITED STATES DISTRICT COURT FOR THE  
11 NORTHERN DISTRICT OF CALIFORNIA  
12

13 ROY RICHARD, an individual, on behalf of  
himself and all “aggrieved employees”  
14 pursuant to Labor Code §2698, *et seq.*

15 Plaintiff,

16 v.

17 A-PARA TRANSIT CORP., a California  
18 corporation; and DOES 1 through 10,

19 Defendants.  
20  
21  
22  
23  
24  
25  
26  
27  
28

Case No. 4:17-cv-5299-HSG

**DECLARATION OF KEAHN MORRIS IN  
SUPPORT OF STIPULATED REQUEST  
TO CONTINUE FEBRUARY 27, 2018  
CASE MANAGEMENT CONFERENCE  
AND CASE MANAGEMENT  
CONFERENCE-RELATED DATES**

[Proposed Alternate Date: March 27, 2018]

Hon. Haywood S. Gilliam, Jr.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**DECLARATION OF KEAHN N. MORRIS**

I, Keahn N. Morris, declare as follows:

1. I am an attorney duly admitted to practice before this Court. I am an associate with Sheppard Mullin Richter & Hampton LLP, attorneys of record for Defendant A-Para Transit Corp. (“Defendant”). If called as a witness, I could and would competently testify to all facts within my personal knowledge except where stated upon information and belief.

2. I am informed and believe that on August 4, 2017, Plaintiff individually and on behalf of all “aggrieved employees” under the Private Attorneys General Act (“PAGA”), filed a Representative Action in the Superior Court of California, County of Alameda, Case No. HG 17 870373 (“the Complaint”). I am informed and believe that Defendant was served with the Complaint on August 14, 2017.

3. On September 13, 2017, Defendant filed a Notice of Removal of the Complaint.

4. The parties have met and conferred regarding ADR and have agreed to private mediation to be held on January 11, 2018 by Tripper Ortman (Ortman Mediation).

5. The parties are continuing to negotiate in good faith to reach a resolution of this matter despite not being able to resolve this matter at mediation.

6. Plaintiff has informed Defendant that Plaintiff intends to file a Motion for Remand to State Court in the event the parties are unable to resolve this matter.

7. The parties are in the process of meeting and conferring regarding a First Amended Complaint and a Stipulation to Remand to State Court.

8. The Case Management Conference is currently scheduled for February 27, 2018.

9. Counsel for the parties have met and conferred and agree that continuing the February 27, 2018 Case Management Conference and all Case Management Conference-related dates, will conserve attorneys’ fees and court resources and serve the interests of judicial economy by allowing the parties to focus on meeting and conferring regarding a possible remand to state court.

1           10.     The parties stipulate that the Case Management Conference be continued to March  
2 27, 2018, or such other date as the Court deems appropriate, and that all Case Management  
3 Conference-related dates be continued as well.

4           11.     All previous time modifications in the case are as follows:

- 5           • On September 29, 2017, the Clerk of this Court continued the Initial Case  
6 Management Conference from December 12, 2017 to December 19, 2017 at 2:00  
7 p.m. As a result, the following deadlines were continued from November 27, 2017  
8 to November 28, 2017: last day to meet and confer re: initial disclosures, early  
9 settlement, ADR process selection, and discovery plan; file ADR Certification  
10 signed by Parties and Counsel; file Stipulation to ADR Process or Notice of Need  
11 for ADR Phone conference. Likewise, the following deadlines were continued  
12 from December 8, 2017 to December 12, 2017: last day to file Rule 26(f) Report,  
13 complete Initial Disclosures or state objection in Rule 26(f) Report and file Case  
14 Management Statement per Standing Order re Contents of Joint Case Management  
15 Statement.
- 16           • On November 28, 2017, the Court granted the parties' Stipulation for Request for  
17 Continuance of the December 19, 2017 case management conference until  
18 February 27, 2018 to allow the parties to focus on resolving the matter at the  
19 January 11, 2018 mediation. As a result, the following deadlines were continued  
20 from November 28, 2017 to February 6, 2018: last day to meet and confer re: initial  
21 disclosures. Likewise, the following deadlines were continued from December 12,  
22 2017 to February 20, 2018: last day to file Rule 26(f) Report, complete Initial  
23 Disclosures or state objection in Rule 26(f) Report and file Case Management  
24 Statement.

25 ///

26 ///

27 ///

28 ///



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed February 13, 2018 at San Francisco, California.

/s/ Keahn N. Morris  
Keahn N. Morris