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 8 **UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF CALIFORNIA
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11 JORGE ALBERTO CAMPOS, ENEYDA
 12 MENDOZA, ELISABETH VASQUEZ,
 FRANCISCO HERNANDEZ, and
 13 RICARDO LOPEZ,

14 Plaintiffs,

15 vs.

16 POSH BAKERY HOLDING COMPANY,
 17 INC. dba POSH BAKERY, INC.,
 JEFFREY OTTOVEGGIO, CHERYL
 18 LEE, and DOES 1 through 10,

19 Defendants.

No. CV 10-02873 PVT

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 21 **STIPULATION TO EXTEND TIME**
TO COMPLETE MEDIATION

22 **ORDER THEREON (XXXXXXXXXXXXX)**

23 Plaintiffs Jorge Alberto Campos, Eneyda Mendoza, Elisabeth Vasquez, Francisco
 24 Hernandez, and Ricardo Lopez, and Defendants The Posh Bakery, Inc., sued incorrectly herein as
 25 “Posh Bakery Holding Company, Inc.”, Jeffrey Ottoveggio, and Cheryl Lee, by and through their
 26 respective attorneys of record, hereby submit the following Stipulation requesting that the time to
 27 complete mediation be extended, as follows:

- 28 1. In its Case Management Conference Order, filed January 12, 2011 (Docket No. 22),
 the Court ordered the parties to participate in mediation no later than April 7, 2011.
2. The parties scheduled mediation with Court appointed mediator Alan Berkowitz for

1 April 7, 2011. Unfortunately, it was not possible to complete the mediation because Defendants'
2 attorneys had not yet received the payroll records, time cards, personnel files and other
3 employment records which are necessary to investigate and evaluate the merits and defenses in this
4 action.

5 3. This is a wage and hour action in which Plaintiffs allege a failure to properly pay
6 overtime wages and seek to recover the allegedly unpaid wages and related penalties and fees.
7 The parties agree that in order to meaningfully investigate and evaluate the merits and defenses in
8 this action it will be necessary to review Plaintiffs' payroll records, time cards, personnel files and
9 other employment records. However, those records were seized by the Santa Clara County
10 District Attorney in connection with an on-going criminal investigation and are now in the
11 possession of the California Department of Insurance ("CDI").

12 4. Defendants' attorneys made arrangements to inspect and copy the documents at the
13 CDI offices in Morgan Hill on March 23, 2011. However, the CDI only allowed Defendants'
14 attorney to inspect 11 out of approximately 90 boxes of documents. While some payroll records
15 for some of the Plaintiffs were included in the 11 boxes which were inspected, the records which
16 are crucial to evaluating this action were not, including Plaintiffs' time cards and pay stubs.

17 5. Since Defendants' attorneys were unable to meaningfully evaluate the merits of and
18 defenses to this action prior to the mediation scheduled for April 7, 2011, the parties agreed that it
19 would not be productive to proceed with the mediation on that date. Therefore, the scheduled
20 mediation was cancelled.

21 6. On April 11, 2011, Defendants' attorneys learned that the criminal case has been
22 resolved and that as a result the District Attorney and CDI will return Defendants' records,
23 although the documents may not actually be returned to Defendants for between 4 to 8 weeks.

24 7. Therefore, the parties respectfully request that the Court extend the time for
25 completing the mediation until July 15, 2011, in order to allow time for Defendants to regain
26 possession of their records from the District Attorney and CDI and to evaluate the merits of and
27 potential defenses to this action.

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Dated: April 11, 2011.

DAVENPORT GERSTNER & McCLURE

/s/ Stephen Thomas Davenport, Jr.

Stephen Thomas Davenport, Jr.
Attorneys for Defendants, The Posh Bakery, Inc.,
Jeffrey Ottoveggio, and Cheryl Lee

Dated: April 27, 2011.

LAW OFFICES OF ADAM WANG

/s/ Adam Pedersen

ADAM PEDERSEN,
Attorneys for Plaintiffs, Jorge Alberto Campos, Eneyda
Mendoza, Elisabeth Vasquez, Francisco Hernandez, and
Ricardo Lopez

ORDER
(proposed)

GOOD CAUSE APPEARING, pursuant to the parties' stipulation, the Court orders as follows:

1. The time to complete mediation shall be extended to July 15, 2011.

Paul S. Amdur

Dated: April _28_, 2011.

United States Magistrate Judge