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

12 MARIA HERNANDEZ, Plaintiff on behalf
 13 of herself and all others similarly situated,

14 Plaintiff,

15 v.

16 CHILDREN’S CREATIVE LEARNING
 17 CENTERS; KNOWLEDGE LEARNING
 18 CORPORATION; and DOES 1 through 100,
 19 inclusive,

20 Defendants.

Case No. CV 13-02246 LHK

**JOINT CASE MANAGEMENT
 STATEMENT AND REQUEST TO
 CONTINUE CASE MANAGEMENT
 CONFERENCE**

Date of CMC: November 27, 2013
 Time: 2:00 p.m.
 Courtroom: 8
 Judge: Hon. Lucy H. Koh

21 Plaintiff Maria Hernandez, on behalf of herself and all others similarly situated, and
 22 Defendants Children’s Creative Learning Center, Inc., and Knowledge Universe Education LLC
 23 (formerly known as Knowledge Learning Corporation) (collectively, “the parties”), hereby jointly
 24 submit this Case Management Statement in advance of the Case Management Conference
 25 currently scheduled for November 27, 2013.

DESCRIPTION OF THE CASE

26 In this proposed class action, Plaintiff contends that Defendants failed to pay overtime pay
 27 for hours worked both on and off the clock, failed to provide uninterrupted meal periods, and
 28 failed to provide proper itemized wage statements. Defendants contend that they have, at all
 times relevant to the case, complied with California wage and hour laws.

1 Defendants provide employer-sponsored early childhood education at or near its clients'
2 places of business, including its Mountain View and San Jose locations. Plaintiff and the
3 proposed class members are current and former teachers who worked for Defendant Children's
4 Creative Learning Center at two locations in California (San Jose and Mountain View).

5 **PROCEDURAL HISTORY**

6 Plaintiff filed an individual complaint in the Santa Clara County Superior Court and
7 amended it on August 13, 2012 to assert claims on behalf of the proposed Class Members. After
8 a case management conference with Hon. Peter Kirwan of the Santa Clara County Superior
9 Court, the Plaintiff requested and received documents from Defendants regarding her claims. The
10 parties also held a mediation session with experienced class action mediator Steven Pearl of ADR
11 Services. Although the parties made some progress toward resolution, they were unable to
12 resolve the matter. On or about May 20, 2013 (after the first day of mediation), Defendants
13 removed the case to the Northern District of California, where it is now pending.

14 After additional documents were exchanged, on July 26, 2013, the parties engaged in a
15 second day of mediation with Mr. Pearl. At the close of the mediation, the parties signed a
16 Memorandum of Understanding regarding a tentative class action settlement. On August 13,
17 2013, the parties submitted a joint stipulation and proposed order to stay Court deadlines so that
18 they may complete their settlement negotiations.

19 By Order of September 9, 2013, this Court ordered all deadlines to be stayed for 90 days
20 (or until December 9, 2013) and ordered the parties to provide the Court with an update of their
21 status by September 27, 2013 (which on September 19, 2013 and October 3, 2013 was amended)
22 (Elec. Doc. ## 16, 17, 19).

23 **STATUS OF SETTLEMENT**

24 As indicated in the parties previous Case Management Statement (Elec. Doc. # 18),
25 Plaintiff requested from Defendants specific confirmatory discovery regarding one term of the
26 proposed class action settlement, which Plaintiff has since received and reviewed. The parties
27 have now drafted a detailed settlement agreement and have exchanged proposed revisions to it.
28

1 The parties believe that they will be able to finalize the settlement agreement and supporting
2 documents within the next 21 days, at which time the parties intend to submit the settlement to
3 the Court for preliminary settlement approval.

4 **PROPOSED SCHEDULE**

5 The parties are confident that they will be able to finalize the settlement agreement and
6 submit it to the Court for preliminary approval by December 11, 2013. The parties are more than
7 willing to appear at the Case Management Conference on November, 27, 2013 to address any
8 questions the Court may have. In the interests of judicial efficiency, however, the parties
9 respectfully request that the Case Management Conference be continued for twenty-one days
10 (until December 18, 2013) so that they may have an opportunity to finalize the settlement
11 agreement and submit a motion for preliminary approval.

12
13 Dated: November 21, 2013

Respectfully submitted,

14 RUKIN HYLAND DORIA & TINDALL LLP

15
16 By: /s/ Steven M. Tindall
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21
22 Dated: November 21, 2013

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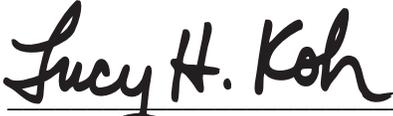
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PROPOSED ORDER

In light of the parties’ ongoing attempts to resolve this matter through settlement, the Court concludes that, in the interests of judicial efficiency, the Case Management Conference currently scheduled for November 27, 2013 shall be CONTINUED to December 18, 2013. The Court ORDERS the Parties to file a Joint Case Management Statement by December 11, 2013 to apprise the Court of the status of the Settlement.

IT IS SO ORDERED.

Dated: November 22, 2013



Hon. Lucy H. Koh
United States District Court Judge