

1 MORGAN, LEWIS & BOCKIUS LLP  
 Melinda S. Riechert, Bar No. 65504  
 2 Jennifer Svanfeldt, Bar No. 233248  
 Nicole L. Antonopoulos, Bar No. 306882  
 3 One Market, Spear Street Tower  
 San Francisco, California 94105-1596  
 4 Telephone: +1.415.442.1000  
 Facsimile: +1.415.442.1001  
 5 melinda.riechert@morganlewis.com  
 jennifer.svanfeldt@morganlewis.com  
 6 nicole.antonopoulos@morganlewis.com

7 Attorneys for Defendant  
 LANE BRYANT, INC.

8 SCHIMMEL & PARKS, APLC  
 Alan I. Schimmel, Bar No. 101328  
 9 Michael W. Parks, Bar No. 154531  
 10 Michael Kim, bar No 227685  
 15303 Ventura Blvd., Suite 650  
 11 Sherman Oaks, CA 91403  
 Telephone: (818) 464-5061  
 12 Facsimile: (819) 464-5091  
 aischimmel@spattorneys.com  
 13 mwsparks@spattorneys.com  
 mkim@spattorneys.com

14 Attorneys for Plaintiff  
 15 WHITNEY HATCHER

16 UNITED STATES DISTRICT COURT  
 17 NORTHERN DISTRICT OF CALIFORNIA  
 18 SAN JOSE DIVISION

19 WHITNEY HATCHER, an individual, on  
 20 behalf of herself, all others similarly  
 21 situated, and on behalf of all other  
 “aggrieved” employees,

22 Plaintiffs,

23 v.

24 LANE BRYANT, INC., individually, and  
 DOES 1-50,

25 Defendants.

Case No. 5:16-cv-02243-NC

**JOINT STIPULATION AND ORDER TO  
 TAKE THE HEARING ON DEFENDANT’S  
 MOTION TO COMPEL ARBITRATION OF  
 PLAINTIFF’S INDIVIDUAL CLAIMS,  
 DISMISS THE CLASS CLAIMS, AND, TO  
 STAY THE PAGA CLAIMS OFF  
 CALENDAR, CONTINUE CASE  
 MANAGEMENT CONFERENCE AND  
 DEADLINE TO FILE RULE 26(F) REPORT  
 AND INITIAL DISCLOSURES, AND STAY  
 DISCOVERY WHILE THE PARTIES  
 PROCEED TO MEDIATION**

26  
 27  
 28  
 JOINT STIPULATION AND ORDER TO TAKE DEFENDANT’S MOTION TO COMPEL HEARING OFF  
 CALENDAR, CONTINUE CMC AND STAY DISCOVERY

1 IT IS HEREBY STIPULATED AND AGREED by and between Defendant LANE  
2 BRYANT, INC. (“Defendant”) and Plaintiff WHITNEY HATCHER (“Plaintiff”) (collectively,  
3 the “Parties”), by and through their respective counsel of record as follows:

4 WHEREAS, on April 26, 2016, this Court issued an Order Setting Initial Case  
5 Management Conference and ADR Deadlines (“Order”). That Order set the deadline for the  
6 Parties to file their Rule 26(f) Report and complete initial disclosures for July 20, 2016 and set a  
7 Case Management Conference for July 27, 2016 at 10:00 a.m.;

8 WHEREAS, on June 1, 2016, Defendant filed its Motion to Compel Arbitration of  
9 Plaintiff’s Individual Claims, Dismiss the Class Claims, and, To Stay the PAGA Claims  
10 (“Motion to Compel”);

11 WHEREAS, on June 16, 2016, Plaintiff filed her Opposition to Defendant’s Motion to  
12 Compel;

13 WHEREAS, on June 22, 2016, Defendant filed its Reply in support of its Motion to  
14 Compel;

15 WHEREAS, the hearing on Defendant’s Motion to Compel is set for July 27, 2016 at 1:00  
16 p.m.;

17 WHEREAS, on or around June 30, 2016, the Parties met and conferred as required by the  
18 Court’s Order regarding initial disclosures, early settlement, ADR process selection, and  
19 discovery plan;

20 WHEREAS, the Parties have agreed to exchange informal discovery and participate in  
21 private mediation at the earliest mutually available date for both Parties and the mediator, but no  
22 later than December 31, 2016;

23 WHEREAS, the Parties have agreed to take the hearing on Defendant’s Motion to Compel  
24 off calendar and continue the Initial Case Management Conference pending completion of  
25 mediation;

26 WHEREAS, the Parties request that the Court schedule the Initial Case Management  
27 Conference to take place after completion of the mediation, and the Court at that time set a new  
28 hearing date for the Motion to Compel;

1 WHEREAS, the Parties request that the Court continue the deadline to file the Rule 26(f)  
2 Report and complete initial disclosures until after mediation is completed; and

3 WHEREAS, the Parties further agree to a stay of all formal discovery pending mediation.

4 **IT IS SO STIPULATED.**

5  
6 Dated: July 19, 2016

By:  /s/ Michael W. Parks  
Michael W. Parks

7  
8 SCHIMMEL & PARKS, APLC  
9 Alan I. Schimmel, Bar No. 101328  
10 Michael W. Parks, Bar No. 154531  
11 Michael Kim, Bar No 227685  
12 15303 Ventura Blvd., Suite 650  
13 Sherman Oaks, CA 91403  
14 Telephone: (818)464-5061  
15 Facsimile: (819)464-5091  
16 aischimmel@spattorneys.com  
17 mwparks@spattorneys.com  
18 mkim@spattorneys.com

*Attorneys for Plaintiff*

15 Dated: July 19, 2016

By:  /s/ Melinda Riechert  
Melinda Riechert

16  
17 Melinda Riechert  
18 MORGAN LEWIS & BOCKIUS LLP  
19 One Market, Spear Street Tower  
20 San Francisco, CA 94105-1596  
21 Telephone: (415) 422-1486  
22 Facsimile: (415) 422-1001  
23 E-mail: melinda.riechert@morganlewis.com

*Attorneys for Defendant*

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

**ATTESTATION**

I, Melinda Riechert, am the ECF user whose identification and password are being used to file this Stipulation and [Proposed] Order to Take Defendant’s Motion to Compel Hearing Off Calendar, Continue CMC and Deadline to File Rule 26(F) Report and Initial Disclosures, and Stay Discovery. In compliance with Civil L.R. 5-1(i)(3), I hereby attest that Michael W. Parks concurs in this filing.

DATED: July 19, 2016

MORGAN LEWIS & BOCKIUS LLP

By: /s/ Melinda Riechert

1 **ORDER**

2 Having read and considered the Parties’ Stipulation to take the hearing on Defendant’s  
3 Motion to Compel Arbitration of Plaintiff’s Individual Claims, Dismiss the Class Claims, and, To  
4 Stay the PAGA Claims (“Motion to Compel”) off calendar, continue the Initial Case Management  
5 Conference and deadline to file the Rule 26(f) Report and complete initial disclosures, and stay  
6 discovery, and for good cause shown, the Stipulation is approved. The Court hereby orders as  
7 follows:

- 8 1. The Parties’ Stipulation is GRANTED;
- 9 2. The hearing on Defendant’s Motion to Compel is taken off calendar pending  
10 completion of the private mediation;
- 11 3. The Initial Case Management Conference is continued until January 18, 2017;
- 12 4. The deadline to file the Rule 26(f) Report and complete initial disclosures is  
13 continued until after the completion of the mediation;
- 14 5. The Parties shall promptly advise the Court whether mediation was successful;
- 15 6. Should mediation not be successful, the Court will set a new date for the Initial  
16 Case Management Conference and deadlines for the Parties to file the Rule 26(f) Report and  
17 complete initial disclosures;
- 18 7. At the continued Initial Case Management Conference, the Court will set a new  
19 date for the hearing on Defendant’s Motion to Compel; and
- 20 8. All discovery in this matter is stayed pending mediation.

21 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

22  
23 Dated: July 20, 2016

24 \_\_\_\_\_  
Honorable Nathanael M. Cousins  
United States Magistrate Judge

