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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 BRETT BOYER, individually and on
12 behalf of others similarly situated,

13 Plaintiff,

14 v.

15 FIVE GUYS ENTERPRISES, LLC,

16 Defendant.

Case No.: 15cv1417-L-JLB

ORDER

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18 Pending before the Court is the Parties' Joint Status Report which includes a
19 request to continue stay. This is the parties' third request to continue the stay that was
20 initially granted on February 1, 2019 to provide time for the parties to negotiate a
21 settlement. (*See* docs. no. 113, 115, 117.) The parties report that they have reached an
22 accord on all issues except attorneys' fees and costs. They request to continue the stay to
23 resolve this issue with the Magistrate Judge's assistance. They have agreed to file a
24 motion for attorneys' fees and costs with this Court if they are unable to reach an
25 agreement. For good cause shown pursuant to *Landis v. North American Co.*, 299 U.S.
26 248, 254 (1936), the request to continue stay is granted. It is ordered as follows:

27 1. The parties shall forthwith schedule a settlement conference with the
28 assigned Magistrate Judge.


1 2. If the parties are not successful in resolving the attorneys' fees and costs
2 issue, Plaintiff shall file a motion for attorneys' fees and costs with this Court no later
3 than June 3, 2019.

4 3. The final pretrial conference currently set for April 29, 2019 is vacated.

5 4. Plaintiff's pending motion for class certification (doc. no. 102) is denied as
6 moot.

7 **IT IS SO ORDERED.**

8 Dated: April 18, 2019

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10 Hon. M. James Lorenz
11 United States District Judge
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