

**UNITED STATES DISTRICT COURT for the CENTRAL DISTRICT OF
CALIFORNIA (Western Division – Los Angeles)
CIVIL DOCKET FOR CASE #: 2:10-cv-06490-PA-SS**

Andres Morales et al v. Terra Universal, Inc. et al
Assigned to: Judge Percy Anderson
Referred to: Magistrate Judge Suzanne H. Segal
Cause: 29:201 Denial of Overtime Compensation

Date Filed: 08/31/2010
Date Terminated: 04/22/2011
Jury Demand: Plaintiff
Nature of Suit: 710 Labor: Fair Standards
Jurisdiction: Federal Question

Plaintiff

Andres Morales
*on behalf of themselves and all others
similarly situated*

represented by **Ahilan T Arulanantham**
ACLU Foundation of Southern California
1313 West Eighth Street
Los Angeles, CA 90017
213-977-5211
Fax: 213-977-5297
Email: aarulanantham@aclu-sc.org
ATTORNEY TO BE NOTICED

Brian Jeffrey Bilford
Hadsell Stormer Keeny Richardson and
Renick LLP
128 North Fair Oaks Avenue Suite 204
Pasadena, CA 91103-3645
626-585-9600
Fax: 626-577-7079
Email: bbilford@hskrr.com
ATTORNEY TO BE NOTICED

Cornelia Ho-Chin Dai
Hadsell Stormer Keeny Richardson and
Renick LLP
128 North Fair Oaks Avenue Suite 204
Pasadena, CA 91103-3664
626-585-9600
Fax: 626-577-7079
Email: cdai@hskrr.com
ATTORNEY TO BE NOTICED

Hector O Villagra
ACLU Foundation of Southern California
1313 West 8th Street
Los Angeles, CA 90017
213-977-9500
Fax: 213-977-5297
Email: hvillagra@aclu-sc.org
TERMINATED: 11/29/2010
ATTORNEY TO BE NOTICED

Jennifer L Pasquarella
ACLU Foundation of Southern California
1313 West 8th Street
Los Angeles, CA 90017
213-977-9500
Fax: 213-977-5297
Email: jpasquarella@aclu-sc.org
PRO HAC VICE
ATTORNEY TO BE NOTICED

Michael Bryan Kaufman

American Civil Liberties Union of
Southern California
1313 West Eighth Street
Los Angeles, CA 90017
213-977-9500
Fax: 213-977-5297
Email: mkaufman@aclu-sc.org
ATTORNEY TO BE NOTICED

Randall R Renick
Hadsell Stormer Richardson and Renick
LLP
128 North Fair Oaks Avenue
Pasadena, CA 91103
626-585-9600
Fax: 626-577-7079
Email: rrr@hskrr.com
ATTORNEY TO BE NOTICED

Victor Leung
ACLU Foundation of Southern California
1313 West 8th Street
Los Angeles, CA 90017
213-977-5232
Fax: 213-977-5297
Email: victor.leung@lw.com
TERMINATED: 11/23/2010

Plaintiff

Juan Miguel Real
*on behalf of themselves and all others
similarly situated*

represented by **Ahilan T Arulanantham**
(See above for address)
ATTORNEY TO BE NOTICED

Brian Jeffrey Bilford
(See above for address)
ATTORNEY TO BE NOTICED

Cornelia Ho-Chin Dai
(See above for address)
ATTORNEY TO BE NOTICED

Hector O Villagra
(See above for address)
TERMINATED: 11/29/2010
ATTORNEY TO BE NOTICED

Jennifer L Pasquarella
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Michael Bryan Kaufman
(See above for address)
ATTORNEY TO BE NOTICED

Randall R Renick
(See above for address)
ATTORNEY TO BE NOTICED

Victor Leung
(See above for address)
TERMINATED: 11/23/2010

Plaintiff

Hugo Alcantar Fernandez
on behalf of themselves and all others
similarly situated
TERMINATED: 03/30/2011

represented by **Ahilan T Arulanantham**
(See above for address)
ATTORNEY TO BE NOTICED

Brian Jeffrey Bilford
(See above for address)
ATTORNEY TO BE NOTICED

Cornelia Ho-Chin Dai
(See above for address)
ATTORNEY TO BE NOTICED

Hector O Villagra
(See above for address)
TERMINATED: 11/29/2010
ATTORNEY TO BE NOTICED

Jennifer L Pasquarella
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Michael Bryan Kaufman
(See above for address)
ATTORNEY TO BE NOTICED

Randall R Renick
(See above for address)
ATTORNEY TO BE NOTICED

Victor Leung
(See above for address)
TERMINATED: 11/23/2010

Plaintiff

Osfel Andrade
on behalf of themselves and all others
similarly situated

represented by **Ahilan T Arulanantham**
(See above for address)
ATTORNEY TO BE NOTICED

Brian Jeffrey Bilford
(See above for address)
ATTORNEY TO BE NOTICED

Cornelia Ho-Chin Dai
(See above for address)
ATTORNEY TO BE NOTICED

Hector O Villagra
(See above for address)
TERMINATED: 11/29/2010
ATTORNEY TO BE NOTICED

Jennifer L Pasquarella
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Michael Bryan Kaufman
(See above for address)
ATTORNEY TO BE NOTICED

Randall R Renick
(See above for address)
ATTORNEY TO BE NOTICED

Victor Leung
(See above for address)
TERMINATED: 11/23/2010

V.

Defendant

Terra Universal, Inc.

represented by **Jeanine Antoinette Scalero**
Friedman Stroffe & Gerard P.C.
19800 MacArthur Boulevard Suite 1100
Irvine, CA 92612-2425
949-265-1100
Fax: 949-265-1199
Email: jscalero@fsglawyers.com
ATTORNEY TO BE NOTICED

Sally S Costanzo
Friedman Stroffe & Gerard P.C.
19800 MacArthur Boulevard Suite 1100
Irvine, CA 92612-2425
949-265-1100
Fax: 949-265-1199
Email: scostanzo@fsglawyers.com
ATTORNEY TO BE NOTICED

Robert Joseph Gerard , Jr
Friedman Stroffe and Gerard, P.C.
19800 MacArthur Boulevard Suite 1100
Irvine, CA 92612-2425
949-265-1114
Fax: 949-265-1199
Email: rgerard@fsglawyers.com
ATTORNEY TO BE NOTICED

Defendant

George Sadaghiani

represented by **Jeanine Antoinette Scalero**
(See above for address)
ATTORNEY TO BE NOTICED

Sally S Costanzo
(See above for address)
ATTORNEY TO BE NOTICED

Robert Joseph Gerard , Jr
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Does
1-10, inclusive

Mediator (ADR Panel)

Alexander S. Polsky
JAMS
Suite 600
500 North State College Boulevard,
Orange, CA 92648
714-501-1321

Date Filed	#	Docket Text
------------	---	-------------

08/31/2010	<u>1</u>	COMPLAINT against Defendants Does 1–10, inclusive, George Sadaghiani, Terra Universal, Inc. Case assigned to Judge Percy Anderson for all further proceedings. Discovery referred to Magistrate Judge Suzanne H. Segal.(Filing fee \$ 350: PAID) Jury Demanded., filed by plaintiffs Andres Morales, Juan Miguel Real, Hugo Alcantar Fernandez, Osfel Andrade.(ghap) (Additional attachment(s) added on 9/2/2010: # <u>1</u> Ntc of Asgmt, # <u>2</u> Summons, # <u>3</u> Summons) (mg). (Entered: 09/02/2010)
08/31/2010		21 DAY Summons Issued re Complaint – (Discovery) <u>1</u> as to Defendants Does 1–10, inclusive, George Sadaghiani, Terra Universal, Inc. (ghap) (Entered: 09/02/2010)
08/31/2010	<u>2</u>	NOTICE of Interested Parties filed by Plaintiffs Osfel Andrade, Hugo Alcantar Fernandez, Andres Morales, Juan Miguel Real. (ghap) (mg). (Entered: 09/02/2010)
08/31/2010	<u>3</u>	NOTICE of Related Case(s) filed by plaintiffs Osfel Andrade, Hugo Alcantar Fernandez, Andres Morales, Juan Miguel Real. Related Case(s): no related cases. (ghap) (mg). (Entered: 09/02/2010)
09/02/2010	<u>4</u>	STANDING ORDER by Judge Percy Anderson: This action has been assigned to the calendar of Judge Percy Anderson. All counsel are ordered to familiarize themselves with the Federal Rules of Civil Procedure and the Local Rules of the Central District of California. See document for further details. (gk) (Entered: 09/07/2010)
09/08/2010	<u>5</u>	PROOF OF SERVICE Executed by Plaintiff Andres Morales, Juan Miguel Real, Hugo Alcantar Fernandez, Osfel Andrade, upon Defendant George Sadaghiani served on 9/3/2010, answer due 9/24/2010. Service of the Summons and Complaint were executed upon Irma Interiano, Employee – Human Resources Manager in compliance with Federal Rules of Civil Procedure by substituted service at business address and by also mailing a copy. Original Summons NOT returned. (Pasquarella, Jennifer) (Entered: 09/08/2010)
09/08/2010	<u>6</u>	PROOF OF SERVICE Executed by Plaintiff Andres Morales, Juan Miguel Real, Hugo Alcantar Fernandez, Osfel Andrade, upon Defendant Terra Universal, Inc. served on 8/31/2010, answer due 9/21/2010. Service of the Summons and Complaint were executed upon Adriana Lara – Employee, Authorized to accept Service in compliance with Federal Rules of Civil Procedure by service on a domestic corporation, unincorporated association, or public entity. Original Summons NOT returned. (Pasquarella, Jennifer) (Entered: 09/08/2010)
09/08/2010	<u>7</u>	NOTICE Plaintiffs' Written Consent to Become Parties to Action filed by plaintiff Osfel Andrade, Hugo Alcantar Fernandez, Andres Morales, Juan Miguel Real. (Attachments: # <u>1</u> Named Plaintiff Consent Forms, # <u>2</u> Proof of Service by Mail)(Pasquarella, Jennifer) (Entered: 09/08/2010)
09/14/2010	<u>8</u>	PROOF OF SERVICE filed by plaintiff Osfel Andrade, Hugo Alcantar Fernandez, Andres Morales, Juan Miguel Real, re Order, <u>4</u> served on 9/14/2010. (Pasquarella, Jennifer) (Entered: 09/14/2010)
09/20/2010	<u>9</u>	FIRST STIPULATION Extending Time to Answer the complaint as to Terra Universal, Inc. answer now due 10/21/2010; George Sadaghiani answer now due 10/25/2010, filed by Defendants Terra Universal, Inc.; George Sadaghiani. (Attachments: # <u>1</u> Proposed Order)(Gerard, Robert) (Entered: 09/20/2010)
09/29/2010	<u>10</u>	ORDER granting First Stipulation Extending Time to Answer: Defendant Terra Universal, Inc. shall have up to and including October 21, 2010 to file a response to Plaintiffs' Complaint. Defendant George Sadaghiani shall have up to and including October 25, 2010 to file a response to Plaintiffs' Complaint <u>9</u> , by Judge Percy Anderson (bp) (Entered: 09/30/2010)
09/30/2010	<u>11</u>	First STIPULATION to Transfer Case to United States District Court, Central District of California filed by Defendants George Sadaghiani, Terra Universal, Inc.. (Attachments: # <u>1</u> Proposed Order)(Gerard, Robert) (Entered: 09/30/2010)
10/01/2010	<u>12</u>	DENIED BY ORDER of Judge Percy Anderson, re Stipulation to Transfer Case to the Southern Division of the Central District <u>11</u> . (gk) (Entered: 10/01/2010)

10/21/2010	<u>13</u>	ANSWER to Complaint – (Discovery), Complaint – (Discovery) <u>1</u> filed by Defendant Terra Universal, Inc..(Gerard, Robert) (Entered: 10/21/2010)
10/21/2010	<u>14</u>	Disclosure Statement filed by Defendant Terra Universal, Inc. (Gerard, Robert) (Entered: 10/21/2010)
10/22/2010	<u>15</u>	NOTICE TO FILER OF DEFICIENCIES in Electronically Filed Documents RE: Answer to Complaint <u>13</u> . The following error(s) was found: Local Rule 7.1–1 No Certification of Interested Parties and or no copies. In response to this notice the court may order (1) an amended or correct document to be filed (2) the document stricken or (3) take other action as the court deems appropriate. You need not take any action in response to this notice unless and until the court directs you to do so. (vh) (Entered: 10/22/2010)
10/22/2010	<u>16</u>	CERTIFICATE of Interested Parties filed by Defendant Terra Universal, Inc., identifying Terra Universal, Inc. and George Sadaghiani. (Gerard, Robert) (Entered: 10/22/2010)
10/22/2010	<u>19</u>	SCHEDULING MEETING OF COUNSEL [FRCP 16, 26(f)] by Judge Percy Anderson: Scheduling Conference set for 12/13/2010 10:30 AM before Judge Percy Anderson. Counsel shall meet at least 21 days in advance of the Scheduling Conference to prepare a jointly signed report for the court to be submitted no less than 14 days before the Scheduling Conference. (gk) (Entered: 10/25/2010)
10/25/2010	<u>17</u>	ANSWER TO PLAINTIFF'S COMPLAINT filed by Defendant George Sadaghiani.(Gerard, Robert) (Entered: 10/25/2010)
10/25/2010	<u>18</u>	CERTIFICATE of Interested Parties filed by Defendant George Sadaghiani, identifying Terra Universal, Inc.; George Sadaghiani. (Gerard, Robert) (Entered: 10/25/2010)
11/23/2010	<u>20</u>	NOTICE of Change of Attorney Information for attorney Jennifer L Pasquarella counsel for Plaintiffs Osfel Andrade, Hugo Alcantar Fernandez, Andres Morales, Juan Miguel Real.Victor Leung is no longer attorney of record for the aforementioned party in this case for the reason indicated in the G–06 Notice. Filed by plaintiff Andres Morales, Juan Miguel Real, Hugo Alcantar Fernandez, Osfel Andrade (Pasquarella, Jennifer) (Entered: 11/23/2010)
11/23/2010	<u>21</u>	NOTICE of Change of Attorney Information for attorney Jennifer L Pasquarella counsel for Plaintiffs Osfel Andrade, Hugo Alcantar Fernandez, Andres Morales, Juan Miguel Real. Adding Michael Kaufman as attorney as counsel of record for Andres Morales, Juan Miguel Real, Hugo Alcantar Fernandez, Osfel Andrade for the reason indicated in the G–06 Notice. Filed by plaintiff Andres Morales, Juan Miguel Real, Hugo Alcantar Fernandez, Osfel Andrade (Pasquarella, Jennifer) (Entered: 11/23/2010)
11/23/2010	<u>22</u>	NOTICE TO FILER OF DEFICIENCIES in Electronically Filed Documents RE: Notice of Change of Attorney Information (G–06) <u>21</u> , Notice of Change of Attorney Information (G–06), Notice of Change of Attorney Information (G–06) <u>20</u> . The following error(s) was found: Judges' initials are lacking on case number. In response to this notice the court may order (1) an amended or correct document to be filed (2) the document stricken or (3) take other action as the court deems appropriate. You need not take any action in response to this notice unless and until the court directs you to do so. (vh) (Entered: 11/23/2010)
11/29/2010	<u>23</u>	NOTICE of Change of Attorney Information for attorney Hector O Villagra counsel for Plaintiffs Osfel Andrade, Hugo Alcantar Fernandez, Andres Morales, Juan Miguel Real.Hector O. Villagra is no longer attorney of record for the aforementioned party in this case for the reason indicated in the G–06 Notice. Filed by plaintiff Andres Morales, Juan Miguel Real, Hugo Alcantar Fernandez, Osfel Andrade (Villagra, Hector) (Entered: 11/29/2010)
11/29/2010	<u>24</u>	NOTICE of Change of Attorney Information for attorney Jennifer L Pasquarella counsel for Plaintiffs Osfel Andrade, Hugo Alcantar Fernandez, Andres Morales, Juan Miguel Real. Adding Ahilan Arulanantham as attorney as counsel of record for Andres Morales, Juan Miguel Real, Hugo Alcantar Fernandez, Osfel Andrade for the reason indicated in the G–06 Notice. Filed by plaintiff Andres Morales, Juan Miguel Real, Hugo Alcantar Fernandez, Osfel Andrade (Pasquarella, Jennifer)

		(Entered: 11/29/2010)
11/29/2010	<u>25</u>	JOINT REPORT Rule 26(f) Discovery Plan ; estimated length of trial 3 weeks, filed by Plaintiffs Osfel Andrade, Hugo Alcantar Fernandez, Andres Morales, Juan Miguel Real.. (Attachments: # <u>1</u> Exhibit ADR Settlement Procedure Request & Notice, # <u>2</u> Proposed Order Proposed Order for ADR Settlement Proc Request)(Dai, Cornelia) (Entered: 11/29/2010)
11/29/2010	<u>26</u>	NOTICE OF MOTION AND MOTION to Certify Class <i>Action</i> filed by Plaintiff Osfel Andrade, Hugo Alcantar Fernandez, Andres Morales, Juan Miguel Real. Motion set for hearing on 1/3/2011 at 01:30 PM before Judge Percy Anderson. (Attachments: # <u>1</u> Proposed Order Proposed Order)(Renick, Randall) (Entered: 11/29/2010)
11/29/2010	<u>27</u>	DECLARATION of Jennifer Pasquarella in support of MOTION to Certify Class <i>Action</i> <u>26</u> filed by Plaintiffs Osfel Andrade, Hugo Alcantar Fernandez, Andres Morales, Juan Miguel Real. (Renick, Randall) (Entered: 11/29/2010)
11/30/2010	<u>28</u>	DECLARATION of Randy Renick in Support of MOTION to Certify Class <i>Action</i> <u>26</u> filed by Plaintiffs Osfel Andrade, Hugo Alcantar Fernandez, Andres Morales, Juan Miguel Real. (Renick, Randall) (Entered: 11/30/2010)
11/30/2010	<u>29</u>	REQUEST FOR JUDICIAL NOTICE re MOTION to Certify Class <i>Action</i> <u>26</u> filed by Plaintiff Osfel Andrade, Hugo Alcantar Fernandez, Andres Morales, Juan Miguel Real. (Renick, Randall) (Entered: 11/30/2010)
11/30/2010	<u>30</u>	COMPENDIUM OF EVIDENCE IN SUPPORT OF NOTICE OF MOTION AND MOTION FOR CLASS ACTION CERTIFICATION; MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT THEREOF re MOTION to Certify Class <i>Action</i> <u>26</u> filed by Plaintiffs Osfel Andrade, Hugo Alcantar Fernandez, Andres Morales, Juan Miguel Real. (Attachments: # <u>1</u> Declaration Declarations and Exhibits, # <u>2</u> Declaration Declarations and Exhibits, # <u>3</u> Declaration Declarations)(Renick, Randall) (Entered: 11/30/2010)
11/30/2010	<u>31</u>	NOTICE OF ERRATA filed by Plaintiffs Osfel Andrade, Hugo Alcantar Fernandez, Andres Morales, Juan Miguel Real. correcting Declaration (Motion related) <u>28</u> <i>Re: Declaration of Randy Renick in Support of Plaintiffs' Motion to Certify Class</i> (Renick, Randall) (Entered: 11/30/2010)
12/01/2010	<u>32</u>	NOTICE TO FILER OF DEFICIENCIES in Electronically Filed Documents RE: Joint Rule 26(f) Report filed 11/29/2010 <u>25</u> . The following error(s) was found: Settlement Procedure Selection: Request and Notice (Form ADR-01) submitted as a separate PDF attachment to this entry, and should have been docketed separately. In response to this notice the court may order (1) an amended or correct document to be filed (2) the document stricken or (3) take other action as the court deems appropriate. You need not take any action in response to this notice unless and until the court directs you to do so. (gk) (Entered: 12/02/2010)
12/06/2010	<u>33</u>	NOTICE of Service of FRCP 26(a) Initial Disclosure filed by Defendants George Sadaghiani, Terra Universal, Inc.. (Gerard, Robert) (Entered: 12/06/2010)
12/06/2010	<u>34</u>	NOTICE of Service of FRCP 26(a) Initial Disclosure filed by Plaintiffs Osfel Andrade, Hugo Alcantar Fernandez, Andres Morales, Juan Miguel Real. (Renick, Randall) (Entered: 12/06/2010)
12/09/2010	<u>35</u>	MINUTES – IN CHAMBERS by Judge Percy Anderson: The Court, on its own motion, orders Plaintiffs to show cause in writing why the class action allegations on the Fair Labor Standards Act claim should not be stricken for failure to timely file a motion for class certification. Plaintiffs' response to the order to show cause shall be filed by 12/20/2010. Defendants' response shall be filed by 12/30/2010. The Scheduling Conference is continued to 1/3/2011 01:30 PM before Judge Percy Anderson. Court Reporter: Not Reported. (gk) (Entered: 12/09/2010)
12/13/2010	<u>36</u>	OPPOSITION opposition to re: MOTION to Certify Class <i>Action</i> <u>26</u> filed by Defendants George Sadaghiani, Terra Universal, Inc.. (Gerard, Robert) (Entered: 12/13/2010)

12/13/2010	<u>37</u>	DECLARATION of George Sadaghiani in opposition to MOTION to Certify Class <i>Action 26</i> filed by Defendants George Sadaghiani, Terra Universal, Inc.. (Gerard, Robert) (Entered: 12/13/2010)
12/13/2010	<u>38</u>	DECLARATION of Jeanine Scalero in opposition to MOTION to Certify Class <i>Action 26</i> filed by Defendants George Sadaghiani, Terra Universal, Inc.. (Gerard, Robert) (Entered: 12/13/2010)
12/13/2010	<u>39</u>	OBJECTIONS in opposition to re: MOTION to Certify Class <i>Action 26 Objections to Evidence</i> filed by Defendants George Sadaghiani, Terra Universal, Inc.. (Gerard, Robert) (Entered: 12/13/2010)
12/13/2010	<u>40</u>	REQUEST FOR JUDICIAL NOTICE <i>in Opposition to Motion for Class Certification</i> filed by Defendants George Sadaghiani, Terra Universal, Inc.. (Gerard, Robert) (Entered: 12/13/2010)
12/20/2010	<u>41</u>	RESPONSE filed by Plaintiffs Osfel Andrade, Hugo Alcantar Fernandez, Andres Morales, Juan Miguel Realto Minutes of In Chambers Order/Directive – no proceeding held, Order to Show Cause, Set/Reset Hearing,,,,,, <u>35</u> <i>Response to Order to Show Cause Re: Why FLSA Claims for a Collective Action Should Proceed</i> (Renick, Randall) (Entered: 12/20/2010)
12/20/2010	<u>42</u>	RESPONSE filed by Plaintiffs Osfel Andrade, Andres Morales, Juan Miguel Realto Request for Judicial Notice <u>40</u> <i>Plaintiffs' Opposition to Request for Judicial Notice</i> (Renick, Randall) (Entered: 12/20/2010)
12/20/2010	<u>43</u>	REPLY in Support of MOTION to Certify Class <i>Action 26 Reply in Support of Motion for Class Action Certification</i> filed by Plaintiffs Osfel Andrade, Andres Morales, Juan Miguel Real. (Renick, Randall) (Entered: 12/20/2010)
12/20/2010	<u>44</u>	DECLARATION of Cornelia Dai in Support of MOTION to Certify Class <i>Action 26 Declaration of Cornelia Dai and Exhibits in Support of Reply for Class Action Certification Motion</i> filed by Plaintiffs Osfel Andrade, Andres Morales, Juan Miguel Real. (Attachments: # <u>1</u> Exhibit Exhibits 1 – 6)(Renick, Randall) (Entered: 12/20/2010)
12/20/2010	<u>45</u>	DECLARATION of Maria Stroud in Support of MOTION to Certify Class <i>Action 26 Supplemental Declaration of Maria Stroud in Support of Motion for Class Action Certification</i> filed by Plaintiffs Osfel Andrade, Andres Morales, Juan Miguel Real. (Renick, Randall) (Entered: 12/20/2010)
12/20/2010	<u>46</u>	DECLARATION of Mary Cervantez in Support of MOTION to Certify Class <i>Action 26 Supplemental Declaration of Mary Cervantez in Support of Motion for Class Action Certification</i> filed by Plaintiffs Osfel Andrade, Andres Morales, Juan Miguel Real. (Renick, Randall) (Entered: 12/20/2010)
12/20/2010	<u>47</u>	DECLARATION of Jennifer Pasquarella in Support of MOTION to Certify Class <i>Action 26 Supplemental Declaration of Jennifer Pasquarella in Support of Reply for Motion for Class Action Certification</i> filed by Plaintiffs Osfel Andrade, Andres Morales, Juan Miguel Real. (Renick, Randall) (Entered: 12/20/2010)
12/20/2010	<u>48</u>	DECLARATION of Ricardo Acevedo in Support of MOTION to Certify Class <i>Action 26 Supplemental Declaration of Ricardo Acevedo in Support of Motion for Class Action Certification</i> filed by Plaintiffs Osfel Andrade, Andres Morales, Juan Miguel Real. (Renick, Randall) (Entered: 12/20/2010)
12/20/2010	<u>49</u>	RESPONSE filed by Plaintiffs Osfel Andrade, Andres Morales, Juan Miguel Realto Objection/Opposition (Motion related) <u>39</u> <i>Plaintiffs' Responses to Defendants Objections in Evidence</i> (Renick, Randall) (Entered: 12/20/2010)
12/20/2010	<u>50</u>	OBJECTIONS to Declaration (Motion related) <u>37</u> <i>Plaintiffs' Evidentiary Objections to the Declaration of George Sadahiani</i> filed by Plaintiffs Osfel Andrade, Andres Morales, Juan Miguel Real. (Renick, Randall) (Entered: 12/20/2010)
12/29/2010	<u>51</u>	MINUTE ORDER IN CHAMBERS by Judge Percy Anderson. The Court hereby continues the Scheduling Conference and hearing on Plaintiffs' MOTION <u>26</u> for Class Certification from 1/3/2011 to 1/10/2011 at 1:30 PM before Judge Percy Anderson. (vdr) (Entered: 12/29/2010)

12/30/2010	<u>52</u>	RESPONSE filed by Defendants George Sadaghiani, Terra Universal, Inc.to Minutes of In Chambers Order/Directive – no proceeding held, Order to Show Cause, Set/Reset Hearing,,,,,, <u>35</u> (Gerard, Robert) (Entered: 12/30/2010)
01/05/2011	<u>53</u>	MINUTE ORDER IN CHAMBERS by Judge Percy Anderson Re: MOTION <u>26</u> to Certify Class Action. To assist the Court in ruling on this Motion the Court orders further briefing. Defendants are ordered to address: Which, if any, of the bonus plans that Defendants mentioned in their Opposition were the named plaintiffs Andres Morales, Juan Miguel Real, Hugo Alcantar Fernandez, and Osfel Andrade compensated under; and For each bonus plan under which a named plaintiff was compensated, how many other hourly non–exempt employees were compensated under that bonus plan during the alleged class period. Defendants are directed to file their brief no later than 1/15/2011. Plaintiffs may file a response no later than 1/25/2011. The hearing on the Motion to Certify Class Action and the Scheduling Conference are continued from 1/10/2011 to 1/31/2011 at 1:30 p.m. (vdr) (Entered: 01/05/2011)
01/14/2011	<u>54</u>	SUPPLEMENT <i>BRIEF RE BONUS PLANS</i> filed by Defendants George Sadaghiani, Terra Universal, Inc.. (Gerard, Robert) (Entered: 01/14/2011)
01/25/2011	<u>55</u>	STIPULATION to Continue Hearing on Class Certification Motion and Scheduling Conference from 01–31–11 to 03–07–11 filed by Defendants George Sadaghiani, Terra Universal, Inc.. (Attachments: # <u>1</u> Proposed Order)(Gerard, Robert) (Entered: 01/25/2011)
01/25/2011	<u>56</u>	RESPONSE filed by Plaintiffs Osfel Andrade, Hugo Alcantar Fernandez, Andres Morales, Juan Miguel Realto Supplement(Motion related) <u>54</u> to Defendants' <i>Supplemental Brief Re Bonus Plans</i> (Dai, Cornelia) (Entered: 01/25/2011)
01/25/2011	<u>57</u>	DECLARATION re Response (non–motion) <u>56</u> <i>Declaration of Cornelia Dai and Exhibits in Support of Response to Defendants' Supplemental Brief Re Bonus Plans</i> filed by Plaintiffs Osfel Andrade, Hugo Alcantar Fernandez, Andres Morales, Juan Miguel Real. (Dai, Cornelia) (Entered: 01/25/2011)
01/25/2011	<u>58</u>	OBJECTIONS to Supplement(Motion related) <u>54</u> <i>Evidentiary Objections to Declaration of George Sadaghiani filed in support of Defendants' Supplemental Brief Re Bonus Plans</i> filed by Plaintiffs Osfel Andrade, Hugo Alcantar Fernandez, Andres Morales, Juan Miguel Real. (Dai, Cornelia) (Entered: 01/25/2011)
01/26/2011	<u>59</u>	ORDER TO CONTINUE HEARING ON CLASS CERTIFICATION MOTION AND SCHEDULING CONFERENCE by Judge Percy Anderson: Upon Stipulation <u>55</u> , The hearing on Plaintiff's Motion to Certify Class Action <u>26</u> and the Scheduling Conference are continued to 3/7/2011 01:30 PM before Judge Percy Anderson. (gk) (Entered: 01/26/2011)
01/28/2011	<u>60</u>	MINUTE ORDER IN CHAMBERS by Judge Percy Anderson: The Court has received the parties' joint 26(f) report and finds that a scheduling conference is not necessary. The scheduling conference currently on calendar for 3/7/2011 at 1:30 PM is hereby vacated, and the matter taken off calendar. The Court refers the parties to the Attorney Settlement Officer Panel for a Local Civil Rule 16–15 Settlement Conference. Within ten days, the parties shall: obtain the consent of the Attorney Settlement Officer who will conduct the settlement conference; notify the ADR Program Office of the consent; and file form ADR–2, Stipulation Regarding Selection of Attorney Settlement Officer. Jury Trial set for 1/17/2012 09:00 AM before Judge Percy Anderson. File Final Trial Exhibit Stipulation 1/12/2012. Hearing on Motions in Limine and Hearing on Disputed Jury Instructions at 1:30 PM 1/9/2012. Final Pretrial Conference set for 12/16/2011 01:30 PM before Judge Percy Anderson. Motions in Limine to be filed by 12/16/2011. Proposed Voir Dire Questions & Agreed–to Statement of Case 12/16/2011. Lodge Pretrial Conference Order & Pretrial Exhibit Stipulation due by 12/2/2011. File Contentions of Fact & Law 12/2/2011. Exhibit List due by 12/2/2011. Witness List due by 12/2/2011. File Status Report Regarding Settlement by 12/2/2011. File Agreed Upon Set of Instructions & Verdict Forms and File Joint Statement Regarding Disputed Instructions, Verdicts, etc. 12/2/2011. Last date to conduct settlement conference is 11/21/2011. Last Day for Hearing Motions 11/14/2011. Discovery cut–off 11/7/2011. Last Day for Hearing on Motion to Amend Pleadings or Add Parties 3/7/2011. Court Reporter: Not Reported. (gk) (Entered: 01/28/2011)

02/07/2011	<u>61</u>	STIPULATION REGARDING SELECTION of Attorney Settlement Officer Filed; Parties stipulate that Alexander S. Polsky may serve as Attorney Settlement Officer for Settlement Proceedings The Plaintiff obtained the consent of the Attorney Settlement Officer. Filed by Plaintiffs Osfel Andrade, Hugo Alcantar Fernandez, Andres Morales, Juan Miguel Real(Renick, Randall) (Entered: 02/07/2011)
02/15/2011	<u>62</u>	NOTICE OF ASSIGNMENT of Attorney Settlement Officer. Alexander Polsky has been assigned to serve as Attorney Settlement Officer. (mb) (Entered: 02/15/2011)
02/24/2011	<u>63</u>	STIPULATION to Continue Hearing on Class Certification Motion from March 7, 2011 to May 23, 2011 filed by Plaintiff Osfel Andrade, Hugo Alcantar Fernandez, Andres Morales, Juan Miguel Real. (Attachments: # <u>1</u> Proposed Order [Proposed] Order Granting Stipulation to Continue Hearing on Class Action Certification)(Dai, Cornelia) (Entered: 02/24/2011)
03/03/2011	<u>64</u>	ORDER GRANTING STIPULATION <u>63</u> TO CONTINUE HEARING ON CLASS ACTION CERTIFICATION by Judge Percy Anderson. The hearing on Plaintiffs' Motion to Certify Class Action currently set for 3/7/2011 is continued to 4/4/2011 at 1:30 PM. (vdr) (Entered: 03/03/2011)
03/24/2011	<u>65</u>	STIPULATION to Amend Complaint – (Discovery), Complaint – (Discovery) <u>1</u> filed by Plaintiffs Osfel Andrade, Hugo Alcantar Fernandez, Andres Morales, Juan Miguel Real. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> First Amended Class Action Complaint for Damages, Declaratory and Injunctive Relief)(Renick, Randall) (Entered: 03/24/2011)
03/24/2011	<u>66</u>	STIPULATION to Continue Class Certification Hearing from 04/04/2011 to 04/11/2011 Re: Order, Set/Reset Motion Hearing and RRDeadlines <u>64</u> filed by Plaintiffs Osfel Andrade, Hugo Alcantar Fernandez, Andres Morales, Juan Miguel Real. (Attachments: # <u>1</u> Proposed Order)(Renick, Randall) (Entered: 03/24/2011)
03/28/2011	<u>67</u>	ORDER by Judge Percy Anderson, re Stipulation to Continue <u>66</u> . The hearing on Plaintiff's Motion <u>26</u> to Certify Class Action currently set for 4/4/2011, is continued to 4/11/2011 at 1:30 PM. (vdr) (Entered: 03/28/2011)
03/28/2011	<u>68</u>	NOTICE OF MOTION AND MOTION to Certify FLSA Collective Action filed by Plaintiff Osfel Andrade, Hugo Alcantar Fernandez, Andres Morales, Juan Miguel Real. Motion set for hearing on 4/25/2011 at 01:30 PM before Judge Percy Anderson. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Exhibit Ex. A to proposed order, # <u>3</u> Exhibit Ex. B to proposed order)(Renick, Randall) (Entered: 03/28/2011)
03/28/2011	<u>69</u>	EXHIBIT Compendium of Evidence – Volume A to MOTION to Certify FLSA Collective Action <u>68</u> filed by Plaintiffs Osfel Andrade, Hugo Alcantar Fernandez, Andres Morales, Juan Miguel Real. (Attachments: # <u>1</u> Declaration of Named Plaintiffs, # <u>2</u> Declaration of Class Members, # <u>3</u> Declaration of Translators, # <u>4</u> Declaration of Randy Renick and Exhs 1–4, # <u>5</u> Declaration of Jennifer Pasquarella and Exh A)(Renick, Randall) (Entered: 03/28/2011)
03/28/2011	<u>70</u>	EXHIBIT Compendium of Evidence – Volume B to MOTION to Certify FLSA Collective Action <u>68</u> filed by Plaintiffs Osfel Andrade, Hugo Alcantar Fernandez, Andres Morales, Juan Miguel Real. (Attachments: # <u>1</u> Declaration Declaration of Cornelia Dai, # <u>2</u> Exhibit Exhs. 1–6 to Dai Decl., # <u>3</u> Declaration Suppl Decl of Acevedo & Ex. A, # <u>4</u> Declaration Suppl Decl of Mary Cervantez, # <u>5</u> Declaration Suppl Decl of Maria Stroud, # <u>6</u> Declaration Suppl Decl of Jennifer Pasquarella)(Renick, Randall) (Entered: 03/28/2011)
03/28/2011	<u>71</u>	DECLARATION of Randy Renick in support of MOTION to Certify FLSA Collective Action <u>68</u> filed by Plaintiffs Osfel Andrade, Hugo Alcantar Fernandez, Andres Morales, Juan Miguel Real. (Attachments: # <u>1</u> Exhibit Ex. 1 – Hermoly Ramirez Deposition)(Renick, Randall) (Entered: 03/28/2011)
03/28/2011	<u>72</u>	NOTICE OF DISCREPANCY AND ORDER: by Judge Percy Anderson, ORDERING Stipulation to File First Amended Complaint; Proposed Order; First Amended Complaint submitted by Plaintiffs Osfel Andrade, Hugo Alcantar Fernandez, Andres Morales, Juan Miguel Real received on 3/24/2011 is not to be filed but instead rejected. Denial based on: Local Rule 11–4.1; Stip Order not e–filed, granted prior to submission of FAC. (vdr) (Entered: 03/29/2011)

03/29/2011	<u>73</u>	EX PARTE APPLICATION for Leave to File Supplemental Brief in Support of Plaintiffs' Motion for Class Action Certification filed by Plaintiff Osel Andrade, Hugo Alcantar Fernandez, Andres Morales, Juan Miguel Real. (Attachments: # <u>1</u> Declaration of Randy Renick, # <u>2</u> Exhibit 1 — Plaintiffs' Supplemental Brief in Support of Plaintiffs' Motion for Class Certification, # <u>3</u> Exhibit 2 – Excerpts from Deposition of H. Ramirez, # <u>4</u> Declaration of Cornelia Dai, # <u>5</u> Proposed Order)(Renick, Randall) (Entered: 03/29/2011)
03/30/2011	<u>74</u>	ORDER re: First Amended Complaint <u>65</u> by Judge Percy Anderson: Request is approved and, The First Amended Complaint is hereby filed as of the date of this Order. (kpa) (Entered: 03/30/2011)
03/30/2011	<u>75</u>	OPPOSITION opposition to re: EX PARTE APPLICATION for Leave to File Supplemental Brief in Support of Plaintiffs' Motion for Class Action Certification <u>73</u> filed by Defendants George Sadaghiani, Terra Universal, Inc.. (Gerard, Robert) (Entered: 03/30/2011)
03/30/2011	<u>76</u>	FIRST AMENDED CLASS ACTION COMPLAINT against Defendants Terra Universal, Inc., George Sadaghiani, and Does 1–10, inclusive; Party Hugo Alcantar Fernandez terminated; amending Complaint <u>1</u> ; with Jury Demand filed by Plaintiffs Andres Morales, Juan Miguel Real, and Osel Andrade. (gk) (Entered: 03/30/2011)
03/31/2011	<u>77</u>	MINUTES (IN CHAMBERS) ORDER by Judge Percy Anderson: denying Plaintiffs' Ex Parte Application <u>73</u> for Leave to File Supplemental Brief in Support of Plaintiffs' Motion for Class Action Certification. *See order for findings and analysis.* (vdr) (Entered: 03/31/2011)
04/04/2011	<u>78</u>	OPPOSITION in opposition to re: MOTION to Certify FLSA Collective Action <u>68</u> filed by Defendants George Sadaghiani, Terra Universal, Inc.. (Gerard, Robert) (Entered: 04/04/2011)
04/04/2011	<u>79</u>	OBJECTION opposition to re: MOTION to Certify FLSA Collective Action <u>68</u> <i>Objections to Evidence – Volume A</i> filed by Defendants George Sadaghiani, Terra Universal, Inc.. (Gerard, Robert) (Entered: 04/04/2011)
04/04/2011	<u>80</u>	OBJECTION opposition to re: MOTION to Certify FLSA Collective Action <u>68</u> <i>Objections to Evidence – Volume B</i> filed by Defendants George Sadaghiani, Terra Universal, Inc.. (Gerard, Robert) (Entered: 04/04/2011)
04/04/2011	<u>81</u>	DECLARATION of George Sadaghiani in opposition to MOTION to Certify FLSA Collective Action <u>68</u> filed by Defendants George Sadaghiani, Terra Universal, Inc.. (Gerard, Robert) (Entered: 04/04/2011)
04/04/2011	<u>82</u>	DECLARATION of Jeanine Scalero in opposition to MOTION to Certify FLSA Collective Action <u>68</u> filed by Defendants George Sadaghiani, Terra Universal, Inc.. (Gerard, Robert) (Entered: 04/04/2011)
04/05/2011	<u>83</u>	NOTICE of Errata Re Defendants' Opposition to Plaintiffs' Motion for FLSA Collective Action filed by Defendants George Sadaghiani, Terra Universal, Inc.. (Attachments: # <u>1</u> Opposition to Motion for FLSA Collective Action)(Gerard, Robert) (Entered: 04/05/2011)
04/11/2011	<u>84</u>	REPLY in support of a motion MOTION to Certify FLSA Collective Action <u>68</u> filed by Plaintiffs Osel Andrade, Andres Morales, Juan Miguel Real. (Renick, Randall) (Entered: 04/11/2011)
04/11/2011	<u>85</u>	DECLARATION of Randy Renick in support of MOTION to Certify FLSA Collective Action <u>68</u> and <i>Exhibit A (Proposed Amended Notice)</i> filed by Plaintiffs Osel Andrade, Andres Morales, Juan Miguel Real. (Renick, Randall) (Entered: 04/11/2011)
04/11/2011	<u>86</u>	OBJECTION In Support re: MOTION to Certify FLSA Collective Action <u>68</u> <i>Evidentary Objections to Declaration of George Sadaghiani</i> filed by Plaintiffs Osel Andrade, Andres Morales, Juan Miguel Real. (Renick, Randall) (Entered: 04/11/2011)

04/11/2011	<u>87</u>	RESPONSE IN SUPPORT of MOTION to Certify FLSA Collective Action <u>68</u> <i>Responses to Defendants' Objections to Evidence (Volume A)</i> filed by Plaintiffs Osfel Andrade, Andres Morales, Juan Miguel Real. (Renick, Randall) (Entered: 04/11/2011)
04/11/2011	<u>88</u>	RESPONSE IN SUPPORT of MOTION to Certify FLSA Collective Action <u>68</u> <i>Responses to Defendants' Objections to Evidence (Volume B)</i> filed by Plaintiffs Osfel Andrade, Andres Morales, Juan Miguel Real. (Renick, Randall) (Entered: 04/11/2011)
04/13/2011	<u>89</u>	ANSWER to Amended Complaint, <u>76</u> <i>Terra Universal, Inc.'s Answer to First Amended Complaint</i> filed by Defendants George Sadaghiani, Terra Universal, Inc..(Gerard, Robert) (Entered: 04/13/2011)
04/13/2011	<u>90</u>	ANSWER to Amended Complaint, <u>76</u> <i>George Sadaghiani's Answer to First Amended Complaint</i> filed by Defendants George Sadaghiani, Terra Universal, Inc..(Gerard, Robert) (Entered: 04/13/2011)
04/14/2011	<u>91</u>	STIPULATION for Order Dismissing Plaintiffs' FLSA Claims filed by Plaintiffs Osfel Andrade, Andres Morales, Juan Miguel Real. (Attachments: # <u>1</u> Proposed Order Proposed Order)(Renick, Randall) (Entered: 04/14/2011)
04/18/2011	<u>92</u>	ORDER RE: STIPULATION TO DISMISS PLAINTIFFS' CLAIMS FOR VIOLATION OF THE FAIR LABOR STANDARDS ACT, 29 U.S.C. SECTION 201, ET SEQ. by Judge Percy Anderson: The request for dismissal of Plaintiffs Andres Morales, Juan Miguel Real, and Osfel Andrade's federal claims for violation of the Fair Labor Standards Act ("FLSA"), 29 U.S.C. Section 201, et seq. <u>91</u> , is approved. (gk) (Entered: 04/18/2011)
04/22/2011	<u>93</u>	MINUTES (IN CHAMBERS) COURT ORDER by Judge Percy Anderson. Plaintiff's Motion <u>68</u> for Fair Labor Standards Act Collective Action Certification is denied as moot. The hearing calendared for 4/25/2011, is vacated, and the matter taken off calendar. Since the Court has declined to exercise supplemental jurisdiction over Plaintiffs state law claims, Plaintiffs Motion <u>26</u> for Class Action Certification of the state law claims is also denied as moot. Since all claims over which this Court has original jurisdiction are dismissed, the Court declines to exercise supplemental jurisdiction over the state law claims pursuant to 28 U.S.C. § 1367(c)(3). The Court therefore dismisses Plaintiffs state law claims without prejudice. See 28 U.S.C. § 1367(d). (vdr) (Entered: 04/22/2011)
04/22/2011	<u>94</u>	MINUTE ORDER IN CHAMBERS by Judge Percy Anderson. The parties submitted a stipulation <u>91</u> to dismiss Plaintiffs claims under the Fair Labor Standards Act, which the Court approved. As such, Plaintiffs Motion <u>68</u> is denied as moot. The hearing calendared for 4/25/2011, is vacated, and the matter taken off calendar. The Court dismisses Plaintiffs state law claims without prejudice. Since the Court has declined to exercise supplemental jurisdiction over Plaintiffs state law claims, Plaintiffs Motion <u>26</u> for Class Action Certification of the state law claims is also denied as moot. (vdr) (Entered: 04/25/2011)