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James R. Hawkins, Esq. SBN 192925 Isandra Fernandez, Esq. SBN 220482 JAMES HAWKINS APLC 9880 Research Drive, Suite 200

Irvine, CA 92618 ŤEL: (949) 387-7200

FAX: (949) 387-6676



Attorneys for Plaintiff, ANTHONY W. FORD on behalf of himself and all others similarly situated

SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF LOS ANGELES

ANTHONY W. FORD on behalf of himself and all others similarly situated

Plaintiff,

vs.

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DOUGLAS EMMETT MANAGEMENT, LLC. a Delaware limited liability company, and DOES 1 through 50, inclusive,

RECEIVED Defendants. LOS ANGELES SUPERIOR COUR

OCT 17 2016

Case No. BC705955

ASSIGNED FOR ALL PURPOSES TO:

JUDGE: HON. John Shepard Wiley, Jr.

DEPT: 9

STIPULATION TO REQUEST TO CONTINUE CASE MANAGEMENT CONFERENCE; [PROPOSED] ORDER

Date: October 19, 2018

Time: 2:00 p.m.

Dept.: 9

Plaintiff ANTHONY W. FORD (hereinafter referred to as "Plaintiff") and Defendant DOUGLAS EMMETT MANAGEMENT, LLC. (hereinafter referred to as "DOUGLAS EMMETT" and/or "Defendant") hereby submit this Stipulation to Continue Case Management Conference in the above- referenced matter. This Stipulation is based on the following:

This is a Class Action, pursuant to Code of Civil Procedure section 382, filed by 1. Plaintiff on May 10, 2018 alleging the following claims against Defendants: 1) Failure to pay all lawful wages owed including overtime wages; 2) failure to provide compliant meal periods; 3)

failure to authorize and permit lawful rest breaks; 4) failure to reimburse employee expenses; 5) failure to timely pay wages; 6) failure to provide accurate itemized wage statements and 7) Unfair Competition. Plaintiff seeks to represent a class of current and former non-exempt employees who were employed by DOUGLAS EMMETT in California.

- 2. Counsel for Defendant provided Plaintiff's counsel with an arbitration agreement that Mr. Ford signed while employed by Defendant and which contains a class action waiver and subjects Plaintiff to arbitration of his individual claims exclusively.
- 3.. In light of Morris v Ernst & Young, LLP, 834 F. 3d 975 (9th Cir. 2016) ("Morris"), in which the U.S. Supreme Court ruled that class action waivers in arbitration agreements are enforceable, Plaintiff has no other option but to dismiss the class action claims and pursue his individual claims in arbitration.
- 4. Plaintiff is in the process of filing a request for dismissal of class action and individual claims against Defendant without prejudice.
- 5. In light of foregoing and in order not to waste the Court's time, the Parties respectfully request that the status conference scheduled for October 19, 2018 be continued to December 20, 2018 or any date thereafter at the Court's convenience.

Respectfully submitted,

Dated: October 16, 2018

JAMES HAWKINS, APLC

Isandra Y. Fernandez, Esq.

Attorneys for Plaintiff

Anthony W. Ford

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Dated: October 16, 2018

MULLEN & HENZEL L.L.P.

Nathan E. Klouda

Attorneys for Defendant

Douglas Emmett Management, LLC

[PROPOSED] ORDER

Pursuant to the Stipulation made herein and good cause appearing therefore, it is ordered that the Status Conference currently set for October 19, 2018 is continued to

Dated: October 1, 2018

Hon. John Shopard Wiley, Jr.

Amy Hogve

PROOF OF SERVICE, COUNTY OF ORANGE

I am a resident of the State of California, County of Orange. I am over the age of eighteen years and not a party to the within action. My business address is 9880 Research Drive., Suite 200, Irvine, California 92618.

On October 16, 2018, I served on the interested parties in this action the following document(s) entitled:

STIPULATION TO REQUEST TO CONTINUE CASE MANAGEMENT CONFERENCE; [PROPOSED] ORDER

[XX] BY MAIL: I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List below and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with the firm's practice for collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

SERVICE LIST

Rafael Gonzalez, Esq.
Nathan E. Klouda, Esq.
MULLEN HENZELL, LLP
112 East Victoria Street
Santa Barbara, CA 93101
Tel: 805-966-1501
Fax: 805-966-9204
rgonzalez@mullenlaw.com
nklouda@mullenlaw.com

[XX] **STATE:** I declare under penalty of perjury, under the laws of the State of California, that the above is true and correct.

Executed on October 16, 2018, at Irvine, California

Nicole Miccolis