UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA

Glenn Fite and David Garcia v. Sysco Sacramento, Inc.

Fite · No. 2:21-CV-01633-DJC-AC · Decided September 16, 2025

OPINION

Fite

PER CURIAM.

1 Stan S. Mallison (SBN 184191) StanM@TheMMLawFirm.com 2 Hector R. Martinez (SBN 206336) HectorM@TheMMLawFirm.com 3 Cody A. Bolce (SBN 322725) Cbolce@TheMMLawFirm.com

4 MALLISON & MARTINEZ

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DAVID GARCIA

8 [Additional Counsel Listed On Following Page] 9 10

UNITED STATES DISTRICT COURT

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EASTERN DISTRICT OF CALIFORNIA

12 13 GLENN FITE and DAVID GARCIA, Case No. 2:21-CV-01633-DJC-AC individually, and on behalf of all others 14 similarly situated, JOINT STIPULATION FOR AN ORDER

TO STAY MATTER PENDING

15 Plaintiffs, COMPLETION OF MEDIATION;

ORDER

16 vs. Complaint Filed: September 10, 2021 17 SYSCO SACRAMENTO, INC., a Delaware Trial Date: None Set Corporation; and DOES 1-50, inclusive, 18 Defendants. Before the Honorable Daniel J. Calabretta 19 20 21 22 23 24 25 26 27 1 Jennifer C. Terry (SBN 200541) Brian M. Noh (SBN 293564) 2 Brittany M. Hernandez (SBN 299044)

REED SMITH LLP

3 515 South Flower St., Suite 4300 4 Los Angeles, CA 90071-1514 Telephone: +1 213 457 8000 5 Facsimile: +1 213 457 8080 Email: Jennifer.terry@reedsmith.com 6 bnoh@reedsmith.com bmhernandez @reedsmith.com 7 Attorneys for Defendant 8 SYSCO SACRAMENTO, INC. 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 1 Plaintiffs Glenn Fite and David Garcia (“Plaintiffs”) and Defendant Sysco Sacramento, Inc. 2 (“Defendant”) (collectively, the “Parties”), by and through their respective counsel, hereby enter into 3 the following stipulation with reference to the following facts: 4 WHEREAS, on September 10, 2021, Plaintiff Fite filed a

putative class action complaint against 5 Defendant for violation of the Business & Professions Code Section 17200; 6 WHEREAS, on January 24, 2024, Plaintiffs filed the operative Third Amended Complaint 7 which alleges the following claims: (1) Violation of Unfair Competition Law, California Business & 8 Professions Code Sections 17200, et seq.; (2) Failure to pay minimum wages for all hours worked in 9 violation of Labor Code Sections 1194, 1194.2, and 1197; (3) Failure to provide rest periods in 10 violation of Labor Code Section 226.7; (4) Failure to provide meal periods in violation of Labor Code
11 Sections 226.7 and 512; (5) Failure to timely pay wages due at termination in violation of Labor Code
12 Sections 201-203; and (6) Failure to provide accurate wage statements in violation of Labor Code
13 Sections 226, 1174, 1175;
14 WHEREAS, on August 6, 2024, the Parties entered into a Joint Stipulation for an Order to Stay
15 Matter Pending Completion of Mediation [Dkt No. 84] that memorialized their agreement to continue 16 various deadlines in the scheduling order; 17 WHEREAS, on August 8, 2024, the Court granted the Parties' Joint Stipulation for an Order 18 to Stay Matter Pending Completion of Mediation [Dkt No. 85] and continued the deadlines in this 19 matter as follows: (1) deadline for fact discovery, September 29, 2025, (2) deadline for expert 20 disclosure, October 30, 2025, (3) deadline for rebuttal experts, November 30, 2025, (4) deadline for 21 expert discovery, December 30, 2025, (5) deadline for dispositive motions, March 1, 2026, and (6) 22 dispositive motion hearing, April 30, 2026. 23 WHEREAS, on November 13, 2024, the Parties filed a Post-Mediation Status Report [Dkt.
24 No. 86] that memorialized their proposed briefing schedule for Plaintiffs' motion for class
25 certification. Under that stipulation, the Parties agreed that Defendant's Opposition to the Motion for 26 Class Certification would be filed and served 60 days after the motion for class certification was filed, 27 and that Plaintiffs' Reply in support of the Motion for Class Certification would be filed and served 1 WHEREAS, on November 13, 2024, the Court adopted the Parties' proposed briefing schedule 2 [Dkt No. 87]; 3 WHEREAS, on July 17, 2025, Plaintiffs filed a Motion for Class Certification [Dkt No. 108]; 4 WHEREAS, on August 7, 2025, the Court granted the Parties' Joint Stipulation for an Order 5 To Modify Briefing Schedule Regarding Motion For Class Certification And Scheduling Order [Dkt
6 No. 110] pursuant to the Parties' prior stipulation [Dkt. No. 109], and continued the deadlines in this
7 matter as follows: (1) deadline for fact discovery, November 13, 2025, (2) deadline for expert 8 disclosure, December 15, 2025, (3) deadline for rebuttal experts, January 14, 2026, (4) deadline for 9 expert discovery, February 13, 2026, (5) deadline for dispositive motions, April 15, 2026, and (6) 10 dispositive motion hearing, June 15, 2026. 11 WHEREAS, the Parties have engaged in further meet and confer discussions and reached an 12 agreement to engage in private mediation

in this case within 120 days, with a mutual agreeable 13 mediator. The Parties will provide notice of the mediation date to the Court upon confirmation. 14 WHEREAS, the Parties have agreed that staying this action pending mediation is in the 15 interests of judicial economy and the conservation of judicial and party resources. Thus, the Parties 16 request that this case be stayed in all respects, that all pending class certification deadlines and dates set 17 are hereby vacated, and that the remainder of the dates set in the August 7th Order be continued by 18 approximately 150 days; 19 WHEREAS, the Court has inherent authority to issue a stay of this action pending mediation. Landis 20 v. N. Am. Co., 299 U.S. 248, 254-55 (1936) ("[T]he power to stay proceedings is incidental to the power 21 inherent in every court to control the disposition of the causes of its docket with economy of time and effort 22 for itself, for counsel, and for litigants."); and 23 WHEREAS, counsel for the Parties propose that a post-mediation status report be filed 24 fourteen (14) days after the mediation. If the matter is not resolved at mediation, the Parties agree to 25 meet and confer as to class certification and present proposed deadlines to the Court in the post- 26 mediation status report, including proposed schedule for the opposition and reply deadlines that 27 incorporates expert discovery relating to class certification during class certification briefing. 1 Parties, through their respective counsel of record herein, that: 2 1. This case should be stayed until mediation. 3 2. All hearing dates and deadlines to file motions, oppositions, replies and documents 4 related thereto should be vacated so that the Parties can focus their resources on mediation. This 5 includes but is not limited to all deadlines relating to Plaintiffs' Motion for Class Certification set in 6 the August 7, 2025 Order [Dkt No. 110]. 7 3. The following deadlines set in the Scheduling Order [Dkt No. 110] should be continued by 8 approximately 150 days as follows: (1) deadline for fact discovery – continued to April 12, 2026, (2) 9 deadline for expert disclosure – continued to May 14, 2026, (3) deadline for rebuttal experts – 10 continued to June 13, 2026, (4) deadline for expert discovery – continued to July 13, 2026, (5) deadline 11 for dispositive motions, April 15, 2026 – continued to September 12, 2026, and (6) dispositive motion 12 hearing – continued to November 12, 2026, or dates thereafter that are convenient for the Court. 13 4. The Parties agree to informally stay all discovery, including the serving and responding 14 to written discovery and depositions, as well as to all deadlines to file motions related to any and all 15 pending discovery. The Parties agree to only resume formal discovery in the event that mediation is 16 cancelled or is unsuccessful–defined by failing to reach a settlement during mediation or by the 17 expiration of a mediator's proposal, whichever date is later. Deadlines for all pending discovery shall 18 resume on the date that mediation is unsuccessful–defined by failing to reach a settlement during 19 mediation or by the expiration of a mediator's proposal, whichever date is later. 20 5. The Parties shall file a post-mediation status report 14 days after the scheduled 21 mediation. 22 6. The Parties preserve all claims, defenses, objections, and legal arguments they have or 23 may have in this action. The Parties' stipulation and stay of this action shall not affect or impact the 24 Parties' claims, defenses, objections, or arguments in any regard. 25 26 27 1 IT IS SO STIPULATED. 2 Dated: September 16, 2025

MALLISON & MARTINEZ 3 By: /s/ 4 Stan S. Mallison 5 Cody Bolce 6 Attorneys for Plaintiffs GLENN FITE and
DAVID GARCIA
7 8 Dated: September 16, 2025 REED SMITH LLP By: 9 /s/ Brittany M. Hernandez Jennifer C. Terry 10 Brian Noh Brittany M. Hernandez 11 Attorneys for Defendant 12 SYSCO SACRAMENTO, INC. 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27
1 ORDER
2 Having considered the Joint Stipulation and good cause appearing, IT IS HEREBY ORDERED 3 that: 4 1. This case is stayed in its entirety for 120 days. 5 2. All hearing dates and deadlines to file motions, oppositions, replies and documents 6 related thereto should be vacated so that the Parties can focus their resources on mediation. This 7 includes but is not limited to all deadlines relating to Plaintiffs' Motion for Class Certification set in 8 the August 7, 2025 Order [Dkt No. 110]. 9 3. The deadlines set in the August 7, 2025 Order [Dkt No. 110] should be continued by 10 approximately 150 days as follows: (1) deadline for fact discovery – continued to April 12, 2026, (2) 11 deadline for expert disclosure – continued to May 14, 2026, (3) deadline for rebuttal experts – 12 continued to June 13, 2026, (4) deadline for expert discovery – continued to July 13, 2026, (5) deadline 13 for dispositive motions, April 15, 2026 – continued to September 12, 2026, and (6) dispositive motion 14 hearing – continued to November 5, 2025, at 1:30 PM, (7) Final Pretrial Conference set for February 15 11, 2027, at 1:30 PM, (8) Jury Trial set for April 12, 2027, at 8:30 AM. 16 4. The Parties shall file a post-mediation status report no later than January 27, 2026. 17 18 IT IS SO ORDERED. 19 20 Dated: September 15, 2025 /s/ Daniel J. Calabretta
THE HONORABLE DANIEL J. CALABRETTA
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UNITED STATES DISTRICT JUDGE
22 23 24 25 26 27

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