1 2 3 4 5 6 7	SHEPPARD, MULLIN, RICHTER & HAMPTO A Limited Liability Partnership Including Professional Corporations P. CRAIG CARDON, Cal. Bar No. 168646 ccardon@sheppardmullin.com BRIAN BLACKMAN, Cal. Bar No. 196996 bblackman@sheppardmullin.com ELIZABETH S. BERMAN, Cal. Bar No. 25237/eberman@sheppardmullin.com 4 Embarcadero Center, 17th Floor San Francisco, California 94111-4109 Telephone: 415.434.9100 Facsimile: 415.434.3947				
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14	Attorney for Plaintiff JUVENAL ROBLES				
15	UNITED STATES DISTRICT COURT				
16	NORTHERN DISTRICT OF CALIFORNIA				
17					
18 19	JUVENAL ROBLES and ABEL FIGUEROA, individually and on behalf of a class of similarly situated individuals,	Case No. 10-cv-04846 MMC			
20	Plaintiffs,	JOINT REPORT ON STATUS OF SETTLEMENT; STIPULATION AND			
21	v.	[PROPOSED] ORDER CONTINUING STAY OF LITIGATION PENDING CLASS ACTION SETTLEMENT			
22	LUCKY BRAND DUNGAREES, INC., a	CLASS ACTION SETTLEMENT			
23	Delaware corporation, KIRSHENBAUM BOND SENECAL & PARTNERS LLC f/k/a	The Honorable Maxine M. Chesney			
24	KIRSHENBAUM BOND & PARTNERS LLC, a Delaware limited liability company,				
25	d/b/a Lime Public Relations + Promotion, and KIRSHENBAUM BOND & PARTNERS				
26	WEST LLC, a Delaware limited liability				
27	company,				
28	Defendants.				

1	KIRSHENBAUM BOND SENECAL &
2	PARTNERS LLC f/k/a KIRSHENBAUM BOND & PARTNERS LLC, a Delaware
3	limited liability company, d/b/a Lime Public Relations + Promotion, and KIRSHENBAUM
4	BOND & PARTNERS WEST LLC, a
5	Delaware limited liability company,
6	Third-Party Plaintiffs.
7	v.
8	MERKLE INC., a Maryland Corporation,
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10	Third-Party Defendant and Fourth-Party Plaintiff.
11	V.
12	RGAR HOLDINGS, LLC, a Florida limited
13	liability company, formerly known as TAKE 5
14	SOLUTIONS, LLC., a Florida limited liability company.
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16	Fourth-Party Defendants.
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Plaintiffs Juvenal Robles and Abel Figueroa (together, "Plaintiffs"), Defendant Lucky Brand
Dungarees, Inc. ("Lucky"), Defendants Kirshenbaum Bond Senecal & Partners LLC, f/k/a
Kirshenbaum Bond & Partners LLC, d/b/a Lime Public Relations + Promotion and Kirshenbaum
Bond & Partners West LLC (together, "Lime"), Third-Party Defendant Merkle Inc. ("Merkle"), and
Fourth-Party Defendant RGAR Holdings, LLC f/k/a Take 5 Solutions, LLC ("Take 5")
(collectively, the "Parties"), by and through their counsel, submit the following Joint Statement on
the Status of Settlement, and Stipulation to Continue the Stay of Proceedings for an additional two
weeks:

- 1. On May 25, 2012, the Parties submitted a Joint Stipulation announcing that they had reached an agreement as to the material terms of a class action settlement and requested that the Court stay all pending motion and discovery deadlines. (Dkt. 85.)
- 2. On May 30, 2012, the Court granted the Stipulation and further instructed the Parties to file a Joint Status Report on the status of the settlement or a motion for preliminary approval on or before July 13, 2012. (Dkt. 86.)
- 3. On July 13 2012, the Parties applied for an extension of the stay to allow additional time to complete the necessary settlement documents. (Dkt. 87.) The Court granted a thirty-five (35) day extension of the stay on July 18, 2012 and instructed the Parties to file a Joint Status Report on or before August 22, 2012. (Dkt. 88.)
- 4. As has been previously reported to the Court, the Parties were able to reach agreement only after engaging in two settlement conferences with Magistrate Judge Howard Lloyd and a one-day private mediation with the late Judge Politan. After Judge Politan unexpectedly passed away with his mediator's proposal pending (which was not ultimately accepted in full by all the Parties) the Parties engaged in settlement discussions amongst themselves and were able to reach an agreement as to all material terms of a class action settlement of this matter.
- 5. After reaching the agreement, Plaintiffs' counsel prepared and circulated a draft class action settlement agreement as well as draft notices announcing the proposed settlement and advising proposed members of the class of their rights. Counsel for each of the Defendants, as well

1	as insurers, and representatives of the Defendants have reviewed and edited several drafts of the		
2	settlement agreement and notices.		
3	6. In addition to preparing and finalizing the required settlement documents, the Parties		
4	solicited proposals from four professional class action administrators for settlement administration		
5	as well as a notice plan that provides the best notice practicable under the circumstances in		
6	satisfaction of Rule 23 and due process. The Parties have selected the class action administrator and		
7	expect to receive this week a finalized version of the administration and notice plan for final		
8	approval from all Parties and insurers.		
9	7. The Parties have been diligently working to finalize the papers setting forth the		
10	settlement of this class action and they are substantially completed. The Parties, however, require		
11	an additional two weeks to complete the settlement papers. The Parties anticipate moving for		
12	Preliminary Approval on or before September 7, 2012. Based on that filing date, the Parties are		
13	looking at a hearing for preliminary approval, to the extent the Court requires one, on either		
14	October 19 or 26, 2012 at 9:00 AM.		
15	8. The Parties therefore stipulate to extending the stay on all pending motion and		
16	discovery deadlines in this case to and including September 7, 2012 to allow them time to finish		
17	memorializing the settlement terms and finalizing the notice plan.		
18	IT IS SO JOINTLY REPORTED AND STIPULATED.		
19	Dated: August 22, 2012		
20	SHEPPARD, MULLIN, RICHTER & HAMPTON LLP		
21			
22	By <u>/s/ Brian R. Blackman</u> CRAIG CARDON		
23	BRIAN R. BLACKMAN		
24	Attorneys for Defendant LUCKY BRAND DUNGAREES, INC.		
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1	Dated: August 22, 2012	
2	EDELSON MCGUIRE LLC	
3		
4		By /s/ Ryan D. Andrews
5		RYAN D. ANDREWS SEAN REIS
6		Attorneys for Plaintiffs JUVENAL ROBLES and ABEL FIGUEROA
	Dated: August 22, 2012	Plainuits JUVENAL ROBLES and ABEL FIGUEROA
7		WILSON ELSER MOSKOWITZ EDELMAN & DICKER LLP
8		
9		By /s/ Sara J. Savage
10		DAVID SHEIFFER
11		SARA J. SAVAGE Attorneys for
12		Defendants KIRSHENBAUM BOND SENECAL &
13		PARTNERS LLC and KIRSHENBAUM BOND & PARTNERS WEST LLC
14	Dated: August 22, 2012	
15		LATHAM & WATKINS LLP
16		By /s/ Peter Winik
17		PETER WINIK MATTHEW RAWLINSON
18		SARAH GRAGERT
19		Attorneys for Third-Party Defendant MERKLE, INC.
20		
21	Dated: August 22, 2012	
22		MCDERMOTT WILL & EMERY LLP Attorneys for RGAR Holdings, LLC
23		
24		By <u>/s/ Peter J. Drobac</u> Daniel E. Alberti
25		Peter J. Drobac
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1	<u>ORDER</u>
2	Having considered the Parties' Joint Report on the Status of Settlement and Stipulation and
3	good cause appearing, this litigation, including amended pleading deadlines, motion deadlines, and
4	all discovery obligations, shall be stayed to and including September 7, 2012.
5	The parties are directed to file, no later than September 7, 2012, a Joint Status Report, said
6	deadline to stand vacated without further order of the Court in the event plaintiffs have filed, on or
7	before September 7, 2012, a motion for preliminary approval of the settlement.
8	IT IS SO ORDERED.
9	Dated: August <u>23</u> , 2012
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11	The Honorable Maxine M. Chesney
12	United States District Judge
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