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9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 FOR THE CITY AND COUNTY OF SAN FRANCISCO
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12 PHYLLIS BRANNIN, VIRGINIA
13 GOMEZ, and VENUS SAVAGE,
14 Individually and On Behalf of All Others
Similarly Situated,

15
16 Plaintiffs,

17 Plaintiffs,

18 v.

19 GOLDEN GRAIN COMPANY and DOES
20 1 through 100,

21
22 Defendants.

Case No. CGC-16-555084

**JOINT STIPULATION AND [PROPOSED]
ORDER REGARDING APPOINTMENT OF
CLASS REPRESENTATIVES**

Dept: 303
Judge: Hon. Mary E. Wiss

Complaint Filed: October 27, 2016
Trial Date: None Set

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27 STIPULATION AND [PROPOSED] ORDER REGARDING APPOINTMENT OF CLASS
28 REPRESENTATIVES
Case No. CGC-16-555084

1 The parties submit this joint stipulation pursuant to Rule 3.764(a)(3) (allowing a party to
2 file a motion to amend or modify an order certifying a class); Rule 3.764(f) (permitting the parties
3 to stipulate to any or all class issues); Rule 3.767 (permitting the court to impose conditions on the
4 representative parties or address similar procedural issues); and the Court’s inherent powers to
5 reconsider its interim rulings. *See Farmers Ins. Exchange v. Superior Court* (2013) 218
6 Cal.App.4th 96, 106, fn. 17 (“A court ... possesses an inherent authority to reconsider its interim
7 rulings on its own motion”); *see also Friend v. Hertz Corp.* (N.D. Cal. Sept. 8, 2014) No. C-07-
8 5222 MMC, 2014 U.S. Dist. LEXIS 126161, 2014 WL 4415988, at *2 (citing *General Telephone*
9 *Co. v. Falcon*, 457 U.S. 147, 160, 102 S. Ct. 2364, 72 L. Ed. 2d 740 and n.16 (1982) (“holding,
10 under predecessor to Rule 23(c)(1)(C), ‘after a certification order is entered, the judge remains free
11 to modify it in the light of subsequent developments in the litigation.’”); *Amgen Inc. v. Connecticut*
12 *Ret. Plans & Tr. Funds* (2013) 568 U.S. 455, 479 n.9, 133 S. Ct. 1184, 185 L. Ed. 2d 308 (noting
13 “that certifications are not frozen once made. Rule 23 empowers district courts to ‘alte[r] or
14 amen[d]’ class-certification orders based on circumstances developing as the case unfolds”).

15 1. WHEREAS, on January 25, 2020, this Court entered an Order Granting (1)
16 Plaintiffs’ Motion for Class Certification and (2) Denying Plaintiffs’ Motion to Exclude Evidence
17 and Setting Case Management Conference (“Class Certification Order”), in which it appointed the
18 three plaintiffs, Phyllis Brannin (“Brannin”), Virginia Gomez (“Gomez”) and Venus Savage
19 (“Savage”) as Class Representatives and Schubert Jonckheer & Kolbe LLP as Class Counsel.

20 2. WHEREAS, since January 2020, Class Counsel has attempted to contact Brannin
21 on numerous occasions, including by emailing her at all known email addresses, calling her on all
22 known telephone numbers, messaging her on her social media (Facebook) page, and sending her
23 certified mail. All of these attempts have been unsuccessful, and all phone numbers for Ms.
24 Brannin known by Class Counsel have been disconnected.

25 THEREFORE, the Parties agree and hereby stipulate that it would be appropriate for the
26 Court to amend the Class Certification Order by removing Phyllis Brannin as a Class

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Pursuant to the foregoing Stipulation, the Class Certification Order entered in this case on January 25, 2020 shall be amended to remove Phyllis Brannin as a Class Representative. Plaintiffs Virginia Gomez and Venus Savage shall remain as the two Class Representatives in this matter. All other aspects of the Order shall remain unchanged.

IT IS SO ORDERED.

Dated: _____, 2020

By: _____
The Honorable Mary E. Wiss
San Francisco Superior Court Judge