

CADES SCHUTTE LLP

PETER W. OLSON #3468-0
1000 Bishop Street, 12th Floor
Honolulu, HI 96813-4216
Telephone: (808) 521-9385
Facsimile: (808) 540-5059
Email: polson@cades.com

**ROBINS, KAPLAN,
MILLER & CIRESI L.L.P.**

STEPHEN P. SAFRANSKI *
JAN M. CONLIN *
KATE E. JAYCOX *
CHRISTOPHER W. MADEL *
(*Admitted Pro Hac Vice)
800 LaSalle Avenue, 2800 LaSalle Plaza
Minneapolis, MN 55402
Telephone: (612) 349-0627
Facsimile: (612) 339-4181
Email: SPSafranski@rkmc.com; JMConlin@rkmc.com
KEJaycox@rkmc.com; CWMadel@rkmc.com

Attorneys for Defendant Cargill, Incorporated

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

DENISE HOWERTON and RUTH
PASARELL, Individually and on Behalf
of All Others Similarly Situated,

Plaintiffs,

vs.

CARGILL, INC.,

Defendant.

Civil No. 13-00336 LEK-BMK

STIPULATION FOR
CONSOLIDATION; and ORDER

ERIN CALDERON, Individually and on
Behalf of All Others Similarly Situated,

Plaintiffs,

vs.

CARGILL, INC.,

Defendant.

Civil No. 13-00685 LEK-BMK

MOLLY MARTIN and LAUREN
BARRY, on behalf of themselves and
others similarly situated,

Plaintiffs,

vs.

CARGILL, INC.,

Defendant.

Civil No. 14-00218-LEK-BMK

STIPULATION FOR CONSOLIDATION

Defendant Cargill, Incorporated, Plaintiffs Denise Howerton, Erin Calderon, Ruth Pasarell, Molly Martin and Lauren Barry, by and through their respective undersigned counsel, hereby stipulate and agree as follows:

WHEREAS, by Stipulation and Order dated December 31, 2013, the Court consolidated the following actions for all purposes: *Howerton v. Cargill, Inc.*, CV 13 00336, and *Calderon v. Cargill, Inc.*, CV13-00685, and assigned the consolidated cases to District Judge Leslie E. Kobayashi and Magistrate Judge Barry M. Kurren (Dkt. Nos. 62, 63, 64) (the consolidated litigation is hereinafter referred to as the “consolidated *Howerton* action”);

WHEREAS, Plaintiffs Molly Martin and Lauren Barry previously filed a Complaint against Cargill in the District of Minnesota, on September 18, 2013;

WHEREAS, on May 2, 2014, the District of Minnesota transferred the *Martin* action to this District under the first-filed doctrine, which it has been designated as CV 14-cv-00218-LEK-BMK;

WHEREAS, on May 12, 2014 and with Cargill's consent under Fed. R. Civ. P. 15(a)(2), Plaintiffs in the consolidated *Howerton* action filed a Consolidated Amended Complaint, combining their claims and adding Ruth Pasarell as a plaintiff in the consolidated *Howerton* action;

WHEREAS, currently pending is Cargill's Motion to Transfer the consolidated *Howerton* action to the District of Minnesota under 28 U.S.C. § 1404(a), with a hearing date of July 21, 2014;

WHEREAS, the Court has previously ordered that Cargill's answer or other responsive pleading in the consolidated *Howerton* action is due within 21 days after a ruling on the pending motion to transfer;

WHEREAS, the Court has scheduled a Rule 16 conference in both the consolidated *Howerton* action and the *Martin* action for August 25, 2014;

WHEREAS, Cargill, Howerton, Calderon, Pasarell, Martin, and Barry wish to preserve the parties' and the Court's resources and efficiently manage the litigation so as not to cause prejudice.

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED by the undersigned parties, through their counsel of record, as follows:

1. Pursuant to Fed. R. Civ. P. 42(a), the *Martin v. Cargill, Inc.* action shall be consolidated with the consolidated *Howerton* action, and the consolidated action shall be assigned to Judge Leslie E. Kobayashi and Magistrate Judge Barry M.

Kurren;

2. Cargill's pending Motion to Transfer the consolidated *Howerton* action to the District of Minnesota under 28 U.S.C. § 1404(a), is hereby amended to apply to all of the consolidated cases, including *Martin v. Cargill, Inc.*;

3. Cargill will not be required to answer or otherwise plead in response to either the *Howerton* Consolidated Complaint or the *Martin* Complaint, until 21 days after the Court decides Cargill's motion to transfer venue.

DATED: Honolulu, Hawaii, May 14, 2014.

/s/ Peter W. Olson
PETER W. OLSON
CADES SCHUTTE LLP
STEPHEN P. SAFRANSKI (pro hac vice)
JAN M. CONLIN (pro hac vice)
KATE E. JAYCOX (pro hac vice)
CHRISTOPHER MADEL (pro hac vice)
ROBINS, KAPLAN,
MILLER & CIRESI L.L.P.
Attorneys for Defendant
Cargill, Incorporated

DATED: New York, New York, May 14, 2014.

/s/ Erin Green Comite
ERIN GREEN COMITE (pro hac vice)
JOSEPH P. GUGLIELMO (pro hac vice)
**SCOTT+SCOTT, ATTORNEYS AT
LAW, LLP**
Attorneys for Plaintiff Denise Howerton,
Erin Calderon, and Ruth Pasarell

DATED: Minneapolis, MN, May 14, 2014.

/s/ Clayton Halunen
Clayton Halunen (pro hac vice)
Melissa Wolchansky (pro hac vice)
HALUNEN & ASSOCIATES
Attorneys for Plaintiffs Molly Martin and
Lauren Barry

APPROVED AND SO ORDERED.

DATED: Honolulu, Hawaii, May 15, 2014.



/S/ Barry M. Kurren
Barry M. Kurren
United States Magistrate Judge

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Howerton, et al. v. Cargill, Inc.; Civil No. 13-00336 LEK-BMK; Calderon v. Cargill, Inc.; Civil No. 13-00685 LEK-BMK; Martin, et al. v. Cargill, Inc.; Civil No. 14-00218 LEK BMK; Stipulation for Consolidation; and Order