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 Superior Court of California,  
 County of Los Angeles  
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 David W. Slayton,  
 Executive Officer/Clerk of Court,  
 By E. Thomas, Deputy Clerk

10 [Additional Counsel On Signature Page]

11 *Attorneys for Plaintiffs,*

12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
 13 **COUNTY OF LOS ANGELES—UNLIMITED CIVIL**

14 **TALIA JACKSON, an**  
 15 **individual; NATHAN ALFANO,**  
 16 **an individual; KRISTEN**  
 17 **MOORE, an individual; on behalf**  
 18 **of themselves and all others**  
 19 **similarly situated,**

20 Plaintiffs,

21 v.

22 **MELISSA BACELAR, an**  
 23 **individual; WAGMOR PETS, a**  
 24 **California non-profit corporation;**  
 25 **WYLDER’S HOLISTIC PET**  
 26 **CENTER, INC. dba THE**  
 27 **WAGMOR, a Delaware**  
 28 **corporation; and Does 1 through**  
**10, inclusive,**

Defendants.

Case No.: 22STCV20771

**JOINT STATUS CONFERENCE**  
**STATEMENT**

Assigned for all purposes to:  
 Hon. Stuart M. Rice

**Further Status Conference:**

Date: June 23, 2023

Time: 9:00 a.m.

Department: 1

Action Filed: June 24, 2022

Trial Date: None

1 Plaintiffs Talia Jackson, Nathan Alfano, and Kristen Moore (together, the  
2 “Plaintiffs”) and defendants Melissa Bacelar, Wagmor Pets, Wylder’s Holistic Pet  
3 Center, Inc. d/b/a The Wagmor (together, the “Defendants”) (collectively, with the  
4 Plaintiffs, the “Parties”) jointly submit this Status Conference Statement in accordance  
5 with this Court’s Order at the May 1, 2023 hearing on Defendants’ demurrer.<sup>1</sup>

6 **1. STATUS OF PLEADINGS:**

7 Plaintiffs’ Position: On November 2, 2022, the Parties attended an Initial Status  
8 Conference before the Honorable Stuart M. Rice. During that hearing, the Court lifted  
9 the stay of proceedings to allow Plaintiffs to file a First Amended Complaint (“FAC”).  
10 The stay remained in effect as to all other aspects of the case, including the filing of  
11 responsive pleadings and formal discovery. The Court also ordered Plaintiffs to meet  
12 and confer with Defendants regarding the proposed amendments the FAC, which was  
13 to be filed prior to the next Status Conference. During December of 2022 the Parties  
14 met and conferred regarding Plaintiffs’ FAC, which was filed on December 29, 2022.

15 On January 6, 2023, the Parties attended a further Status Conference where the  
16 Court lifted the stay for the purposes of allowing Defendants to file a demurrer to the  
17 FAC. On March 23, 2023, Defendants filed a demurrer to the FAC, which Plaintiffs  
18 timely opposed on April 14, 2023. After consideration of the Parties’ briefing and oral  
19 argument of counsel, the Court overruled Defendants’ demurrer in its entirety, and  
20 ordered Defendants to file their respective Answers within 30 days of the Order, which  
21 fell on May 31, 2023.<sup>2</sup> The Court also set a Continued Case Management Conference  
22 for June 23, 2023, at 9:00 a.m. On June 2, 2023, Defendants filed an Answer to the  
23 FAC.

24 \_\_\_\_\_  
25 <sup>1</sup> On October 21, 2022, the parties met and conferred telephonically regarding their  
26 Initial Status Conference Statement, which was filed on October 26, 2022. Updated  
27 Joint Statements were also filed on December 29, 2022 and April 21, 2023.

28 <sup>2</sup> The Court’s April 26, 2023, Tentative Order was adopted as the Final Order.

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Defendants’ Position:

Agreed.

**2. DISCOVERY:**

Plaintiffs’ Position: As previously noted in the Parties’ October 26, 2022 and December 29, 2022 Status Conference Statements, Plaintiffs do not believe that discovery should be bifurcated between merits discovery and class discovery or conducted in stages in this putative class action. However, Plaintiffs are willing to focus initial efforts on discovery relevant to moving for class certification. Towards that end, Plaintiffs respectfully request that the stay of discovery be lifted following the Parties’ further Status Conference on June 23, 2023.

Plaintiffs are agreeable to stipulating to a mutual protective order (using this Court’s model protective order) which will be provided to the Court, if required. Plaintiffs respectfully request that any confidentiality protective order be filed no later than July 14, 2023, to not delay the exchange of discovery.

The Court already overruled Defendants’ standing challenges as to the three named Plaintiffs. *See* April 26, 2023, Tentative Order, which was adopted as final on May 1, 2023. As a result, Plaintiffs disagree that Defendants’ continued challenge to standing is a valid reason to limit class discovery, as Defendants suggest below.

Lastly, as noted in the Parties’ prior Joint Case Management Conference Statements, Plaintiffs believe the “opt-out” notice process set forth in *Belair-West Landscape, Inc. v. Superior Court* (2007) 149 Cal.App.4th 554, 561 is appropriate here to obtain information from putative class members concerning their experiences with Defendants’ pet services, especially since Defendants are in possession of contact information for class members.

1        Defendants’ Position:

2            Discovery should be limited to the claims of the actual parties.

3            The fact that a pleading survives demurrer does not suggest that any of the facts  
4 stated in the FAC are true. That is what discovery and motions for summary judgment  
5 are for.

6            Many of the allegations in the FAC can easily be disproved by depositing the  
7 Plaintiffs. One of the three did not even adopt a dog, and another never set foot in  
8 Defendants’ premises before she adopted (and thus the “adoption from a pet shop”  
9 claims are simply bogus). None of them adopted a dog from pet store. They do not  
10 have standing to assert claims regarding the Pet Store Animal Care Act because they  
11 never adopted a pet and/or never visiting a pet store.

12            The first order of business should be to find out whether the Plaintiffs have  
13 standing. In the meantime, Plaintiffs who lack standing should not be allowed to go  
14 searching through Defendants’ records for someone who does.

15        **3. TIMELINE FOR CASE MANAGEMENT:**

16            Plaintiffs’ Position:

17            Plaintiffs propose the following timeline:

- 18        **a.        Deadline to file Stipulated Protective Order: July 14, 2023**
- 19        **b.        Next status conference: October 10, 2023**
- 20        **c.        Alternative dispute resolution completion: April 4, 2024**
- 21        **d.        Filing Deadline for Motion for Class Certification: February 16, 2024**
- 22        **e.        Filing Deadline and Descriptions for Non-Discovery Motions: April**  
23            **15, 2024**

Defendants' Position:

Defendants agree with all but the last deadline. If a class certification motion is filed (not ruled on, but file) then there should be a lot more than two months before the deadline to fall other motions, e.g., summary judgment.

Dated: June 16, 2023

Respectfully submitted,

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