



1 **KAZEROUNI LAW GROUP, APC**

2 Pamela Prescott, Esq. (328243)

3 pamela@kazlg.com

4 Gil Melili, Esq. (337116)

5 gil@kazlg.com

6 245 Fischer Avenue, Unit D1

7 Costa Mesa, CA 92626

8 Telephone: (800) 400-6808

9 Facsimile: (800) 520-5523

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 [REDACTED], an
15 individual; [REDACTED],
16 an individual; [REDACTED],
17 [REDACTED], 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.

Electronically FILED by
Superior Court of California,
County of Los Angeles
4/21/2023 1:53 PM
David W. Slayton,
Executive Officer/Clerk of Court,
By J. Gnade, Deputy Clerk

Case No.: 22STCV20771

**JOINT STATUS CONFERENCE
STATEMENT**

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

Further Status Conference:

Date: May 1, 2023

Time: 10:30 a.m.

Department: 1

Action Filed: June 24, 2022

Trial Date: None

1 Plaintiffs [REDACTED] (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 March 24, 2023 Minute Order.¹

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.² During December of 2022 the Parties
14 met and conferred regarding Plaintiff’s FAC, which was filed on December 29, 2022.

15 On January 6, 2023, the Parties attended a Status Conference where the Court
16 lifted the stay for the purposes of allowing Defendants to file a demurrer to the FAC.
17 On March 23, 2023, Defendants filed a demurrer to the FAC, which Plaintiffs timely
18 opposed on April 14, 2023. The hearing on Defendants’ demurrer is currently set for
19 May 1, 2023, at 10:30 a.m.

20 Defendants’ Position: Defendants agree with Plaintiffs’ report regarding the
21 status of the pleadings.

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23
24 ¹ On October 21, 2022, the parties met and conferred telephonically regarding their
25 Initial Status Conference Statement, which was filed on October 26, 2022. An updated
26 Joint Statement was also filed on December 29, 2022.

27 ² The Court noted that the Parties did not need to reach an agreement regarding the
28 FAC, but rather were encouraged to confer in good faith in an attempt to streamline
the issues before the Court.

1 **2. DISCOVERY:**

2 Plaintiffs' Position: As previously noted in the Parties' October 26, 2022 and
3 December 29, 2022 Status Conference Statements, Plaintiffs do not believe that
4 discovery should be bifurcated between merits discovery and class discovery or
5 conducted in stages in this putative class action. However, Plaintiffs are willing to
6 focus initial efforts on discovery relevant to moving for class certification. Towards
7 that end, Plaintiffs respectfully request that the stay of discovery be lifted following
8 the Parties' further Status Conference on May 1, 2023.

9
10 Defendants' Position: Defendants anticipate that the demurrer will be sustained
11 in whole or large part. If any portion of the FAC survives, Defendants believe
12 that any discovery should be limited to determining whether there are any facts
13 that support the claim that the Pet Store Animal Care Act applies to the two dog
14 adoptions at issue in this case. That is a very limited issue, and it will resolve the
15 case, to the extent that the FAC survives at all.

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

19 Plaintiffs' Position:

20 Plaintiffs propose the following timeline:

- 21 **a. Next status conference:** October 9, 2023
22 **b. Alternative dispute resolution completion:** March 4, 2024
23 **c. Filing Deadline for Motion for Class Certification:** January 15, 2024
24 **d. Filing Deadline and Descriptions for Non-Discovery Motions:** March
25 11, 2024
26
27
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1 Defendants' Position:

2 It is difficult to comment on the time line without knowing if the demurrer will
3 be sustained, and if so on what terms.
4

5 Dated: April 21, 2023

Respectfully submitted,

KAZEROUNI LAW GROUP, APC

By: /s/ Pamela Prescott, Esq.

Pamela Prescott, Esq. (328243)

pamela@kazlg.com

Gil Melili, Esq. (337116)

gil@kazlg.com

245 Fischer Avenue, Unit D1

Costa Mesa, CA 92626

Telephone: (800) 400-6808

Facsimile: (800) 520-5523

RYTHER LAW GROUP

Jill L. Ryther, Esq. (266016)

jill@rytherlawgroup.com

5777 W. Century Blvd., #1110-2076

Los Angeles, CA 90045

Telephone: (310) 751-4404

Facsimile: 310-773-9192

ATTORNEYS FOR PLAINTIFFS

LEONARD, DICKER & SCHREIBER, LLP

By: /s/ Steven A. Schuman, Esq

Steven A. Schuman, Esq. (142834)

10940 Wilshire Blvd, Suite 2100

Los Angeles, California 90024

Telephone: (310) 551-1987

Facsimile: (310) 277-8050

ATTORNEYS FOR DEFENDANTS