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12 **[Additional counsel listed in signature blocks]**

13 UNITED STATES DISTRICT COURT

14 FOR THE EASTERN DISTRICT OF CALIFORNIA

15 VANESSA GUTIERREZ, *on her own behalf and on*  
*behalf of her minor children, Al. D. and An. D.;*  
16 JEREMY MILLER and MARIANNA MILLER, *on*  
*their own behalves and on behalf of their minor*  
17 *children, P.M. and L.M.; LEONARD MILLER;*  
18 *THERESA MILLER; and collectively on behalf of*  
*themselves and all others similarly situated,*

19 Plaintiffs,

20 vs.

21 ZINUS INC.,

22 Defendant.

Case No. 2:22-CV-1172-KJM-DB

**JOINT STATUS REPORT AND NOTICE  
OF SETTLEMENT PURSUANT TO  
LOCAL RULE 160**

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**JOINT STATUS REPORT AND  
NOTICE OF SETTLEMENT**

1 Pursuant to this Court’s Order entered April 10, 2023 (ECF No. 30) and Local Rule 160,  
2 Plaintiffs Vanessa Gutierrez, Jeremy Miller, Marianna Miller, Leonard Miller, and Theresa Miller  
3 (collectively, “Plaintiffs”) and Defendant Zinus, Inc. (“Defendant”) respectfully report to the Court  
4 as follows:

5 Plaintiffs’ counsel and Defendant have made substantial progress in resolving both this case  
6 and related case *Chandler et al v. Zinus, Inc.*, No. 3:20–CV–265–DWD (S.D. Ill) through mediation  
7 with the assistance of Retired U.S. District Judge Michael J. Reagan (former Chief Judge, S.D. Ill.).

8 Following a two-day mediation with Judge Reagan earlier this year, the parties reached an  
9 agreement in principle to settle both cases, as well as claims of other clients of plaintiffs’ counsel,  
10 and since that time have been working diligently to finalize the necessary written settlement  
11 documents. The parties hereby provide notice of settlement pursuant to Local Rule 160.

12 In light of the pending settlement, the parties respectfully submit that the upcoming status  
13 conference scheduled for May 11, 2023 is not necessary and that judicial economy and the interests  
14 of the parties would be served by a continuance or suspension of that conference so as to allow the  
15 parties additional time to finalize the written settlement documentation, which as noted includes a  
16 master settlement agreement to settle both cases as well as claims of other clients of plaintiffs’  
17 counsel.

18 The parties respectfully propose that they submit a further status report to the Court in 60  
19 days to update the Court on the status of the settlement documentation.

20 Dated: April 26, 2023

ARNOLD & PORTER KAYE SCHOLER LLP

21  
22 By: s/ Sharon D. Mayo  
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28 -and-

