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SUPERIOR COURT-STOCKTON

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*Attorneys for Defendant*

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**

**FOR THE COUNTY OF SAN JOAQUIN**

KENNETH WILBURN, individually, and on  
behalf of all others similarly situated,

*Plaintiff,*

v.

CONCRETE, INC., d/b/a KNIFE RIVER  
CONSTRUCTION, a California corporation,  
MDU RESOURCES GROUP, INC., d/b/a  
KNIFE RIVER CONSTRUCTION, a Delaware  
corporation, KNIFE RIVER CONSTRUCTION,  
a Delaware corporation, and DOES 1 through 10,  
inclusive,

*Defendants.*

Case No.: STK-CV-UOE-2021-10183  
[Consolidated with STK-CV-UOE-2022-  
0002317]

**CLASS ACTION**

*[Assigned for all purposes to Judge Robert T.  
Waters, Dept. 11B]*

**JOINT STIPULATION REQUESTING  
CONTINUANCE OF MOTION FOR  
FINAL APPROVAL OF CLASS ACTION  
SETTLEMENT HEARING; [PROPOSED]  
ORDER**

Complaint filed: October 29, 2021

JOINT STIPULATION REQUESTING CONTINUANCE OF MOTION FOR FINAL APPROVAL OF  
CLASS ACTION SETTLEMENT HEARING; ORDER

**FILED BY FAX**

1 Plaintiff Kenneth Wilburn ("Plaintiff" and Defendants Concrete, Inc., doing business as  
2 Knife River, MDU Resources Group, Inc., and Knife River Corporation ("Defendants") (Plaintiff  
3 and Defendants are herein collectively referred to as the "Parties"), by and through their respective  
4 counsel of record, hereby enter into the stipulation below with reference to the following facts:

5 **WHEREAS**, on September 8, 2023, the Court granted Plaintiff's Motion for Preliminary  
6 Approval of Class Action Settlement ("Motion") and scheduled the hearing for Plaintiff's Motion  
7 for Final Approval of Class Action Settlement to January 12, 2024;

8 **WHEREAS**, after the hearing on the Motion, Defendants encountered delays in providing  
9 the class list to the Settlement Administrator CPT Group, Inc. by the deadline of September 25,  
10 2023, and were unable to provide the class list until on or around December 5, 2023 (approximately  
11 68 days after the original deadline);

12 **WHEREAS**, due to the Parties requiring additional time before the scheduled the hearing  
13 for Plaintiff's Motion on January 12, 2024 to complete the administration process as the Parties  
14 require additional time to do so (approximately 90 additional days), the Parties request a  
15 continuance of the hearing to April 11, 2024, or a date after this date deemed appropriate by the  
16 Court for the Plaintiff's Motion for Final Approval of Class Action Settlement hearing;

17 **THEREFORE**, the Parties, by and through their undersigned counsel of record, hereby  
18 stipulate and agree, and respectfully request that the Court enter an order as follows:

19 1. The hearing for Plaintiff's Motion for Final Approval of Class Action Settlement  
20 currently scheduled for January 12, 2024 shall be continued to April 11, 2024, or a date after this  
21 date deemed appropriate by the Court.

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Respectfully submitted,

Dated: December 11, 2023

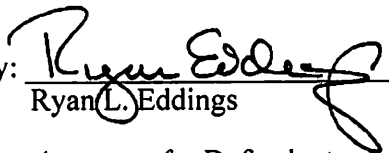
**WILSHIRE LAW FIRM**

By:   
Justin F. Marquez  
Christina Le  
Zachary D. Greenberg

*Attorneys for Plaintiff*

Dated: December 11, 2023

**LITTLER MENDELSON, P.C.**

By:   
Ryan L. Eddings

*Attorneys for Defendant*

**PROPOSED ORDER**

The Court having considered the Parties' Joint Stipulation Requesting Continuance of Plaintiff's Motion for Final Approval of Class Action Settlement Hearing, and good cause appearing, IT IS HEREBY ORDERED AS FOLLOWS:

1. The hearing for Plaintiff's Motion for Final Approval of Class Action Settlement currently scheduled for January 12, 2024 at 9:00 a.m., shall be continued to April 24, 2024 at 9:00 a.m.

**IT IS SO ORDERED.**

**ROBERT T. WATERS**

DATE: DEC 13 2024

Honorable Robert T. Waters  
San Joaquin Superior Court

**PROOF OF SERVICE**

*Wilburn v. Concrete, Inc., et al.*  
STK-CV-UOE-2021-0010183

STATE OF CALIFORNIA       )  
  ) ss  
COUNTY OF LOS ANGELES    )

I, Sandy S. Sespene, state that I am employed in the aforesaid County, State of California; I am over the age of eighteen years and not a party to the within action; my business address is 3055 Wilshire Blvd., 12<sup>th</sup> Floor, Los Angeles, California 90010. My electronic service address is ssespene@wilshirelawfirm.com.

On December 11, 2023, I served the foregoing **JOINT STIPULATION REQUESTING CONTINUANCE OF MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT HEARING; [PROPOSED] ORDER**, on the interested parties by placing a true copy thereof, enclosed in a sealed envelope by following one of the methods of service as follows:

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*Attorneys for Defendant*

(X) **BY E-MAIL:** I hereby certify that this document was served from Los Angeles, California, by e-mail delivery on the parties listed herein at their most recent known email address or e-mail of record in this action.

I declare under the penalty of perjury under the laws of the State of California, that the foregoing is true and correct.

Executed on December 11, 2023, at Los Angeles, California.

  
\_\_\_\_\_  
Sandy S. Sespene