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10 **UNITED STATES DISTRICT COURT**
 11 **EASTERN DISTRICT OF CALIFORNIA**
 12 **SACRAMENTO DIVISION**

13 **BRIAN KORN, individually; on behalf**
 14 **of all others similarly situated,**

15 **Plaintiff,**

16 **vs.**

17 **POLO RALPH LAUREN**
 18 **CORPORATION, a Delaware**
Corporation; and DOES 1 through 50
 19 **inclusive,**

20 **Defendants.**

Case No. 07-CV-02745 FCD JFM

**JOINT STIPULATION AND ORDER FOR A
 STAY TO COMPLETE MEDIATION**

21 Plaintiff, Brian Korn (“Korn”), and Defendant, Polo Ralph Lauren Corporation (“Polo”)
 22 (collectively, “Parties”), by and through their respective attorneys, respectfully submit this Joint
 23 Stipulation and Order for a Stay to Complete Mediation.

24 **RECITALS**

25 A. On November 2, 2007, Korn filed a Complaint (the “Complaint”) in the Superior
 26 Court of the State of California, County of Solano, styled *Korn v. Polo Ralph Lauren Corp.*,
 27 Case No. FCS030461 (the “Action”). Korn alleged that Polo violated California Civil Code §
 28

1 1747.08, by requesting customers using a credit card to provide their name and address during the
2 course of their purchasing or seeking refunds for Polo merchandise. Korn sought redress on his
3 own behalf and on behalf of other similarly situated consumers in California as a class action.

4 B. On December 19, 2007, Polo removed the action to this Court.

5 C. On or about May 28, 2008, this Court dismissed Korn's cause of action for alleged
6 violation of California Civil Code § 1747.08(a)(3), and struck his request for injunctive relief.

7 D. On or about June 11, 2008, Polo filed its Answer to the Complaint. The Answer
8 generally and specifically denied the Complaint's allegations and raised several affirmative
9 defenses thereto.

10 E. On September 9, 2008 and October 14, 2008, the Parties participated in mediations
11 before the Honorable Gary L. Taylor (Ret.), an experienced mediator with JAMS. With the
12 assistance of Judge Taylor, a settlement in principle of the Action was explored in detail.
13 Subsequently, the Parties reached an agreement in principle to material terms relating to class
14 compensation and class notice, subject to the execution of a definitive settlement agreement. The
15 Parties are scheduled to attend a third mediation session with Judge Taylor on November 18,
16 2008 in an attempt to resolve all outstanding issues in this Action, including, but not limited to, as
17 to appropriate attorneys' fees and incentive awards.

18 F. Said Mediation sessions were held jointly with the attorneys and parties in a
19 related action now pending in the United States District Court for the Central District of
20 California, Southern Division, entitled *Shabaz v. Polo Ralph Lauren Corp.*, Case No. SACV 07-
21 1349 AG -ANx.

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STIPULATION

Accordingly, the Parties stipulate, agree and respectfully request that the Court enter an order providing that:

All deadlines, hearing dates and trial dates currently set in the pre-trial scheduling orders, as modified, relating to the Action shall be stayed as of October 16, 2008 to allow for further mediation and disposition of the Action by mediation and/or settlement for a period of 45 days from the date of filing this Stipulation and Order. In the event that settlement is not reached within that time period, then the Parties shall immediately notify the Court, meet and confer as to new deadlines, hearing dates and trial date, and submit updated status reports to the Court.

SO STIPULATED by Plaintiff.

DATED: November 7, 2008

By _____/s/_____
Gene J. Stonebarger

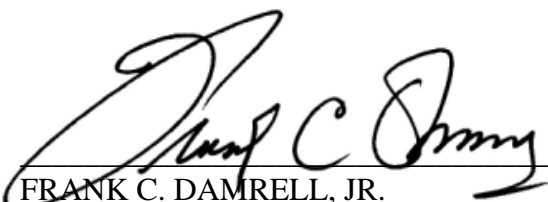
SO STIPULATED by Defendant.

DATED: November 7, 2008

By _____/s/_____
John W. McGuinness

IT IS SO ORDERED.

DATED: November 7, 2008



FRANK C. DAMRELL, JR.
UNITED STATES DISTRICT JUDGE