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16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA
18 SAN FRANCISCO DIVISION

19

20 ANDRONIKI GATES, individually
21 and on behalf of other persons
22 similarly situated,

23 Plaintiff,

24 v.

25 STARBUCKS CORPORATION,

26 Defendant.

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Case No. CV09-2702 JSW

**STIPULATION TO TRANSFER CASE
TO THE CENTRAL DISTRICT OF
CALIFORNIA AND ~~PROPOSED~~
ORDER THEREON**

Date Action Filed: May 18, 2009

Date Action Removed: June 17, 2009

1 Plaintiff Androniki Gates (“Plaintiff”) and Defendant Starbucks Corporation
2 (“Defendant”), by and through their respective counsel, enter into a Stipulation to
3 Transfer this Case to the Central District of California based upon the following facts:

4 1. On November 6, 2009, Defendant filed a motion to dismiss or, in the
5 alternative, to transfer this action to the Central District of California. Defendant’s
6 motion was scheduled for hearing on December 18, 2009. Defendant contends that the
7 case of *York v. Starbucks Corporation*, Case No. 08-CV-07919, which has been pending
8 in the Central District since December 2, 2008, includes the same claim asserted by
9 Plaintiff and the same putative class Plaintiff seeks to represent.

10 2. On October 9, 2009, Plaintiff filed in the Ninth Circuit a petition for
11 permission to appeal from the Court’s order denying Plaintiff’s motion for remand,
12 which this Court had certified for interlocutory appeal pursuant to 28 U.S.C. Section
13 1292(b).

14 3. On November 9, 2009 Defendant filed a motion for summary adjudication
15 in the *York* action.

16 4. On November 24, 2009, the parties filed a stipulation to continue the
17 hearing date on Defendant’s motion to dismiss/transfer to January 22, 2010, which this
18 Court approved on November 30, 2009. In that stipulation, the parties agreed, *inter*
19 *alia*, that they would stipulate to transfer this action to the Central District if the Ninth
20 Circuit denied Plaintiff’s petition for appeal and the *York* court denied Defendant’s
21 motion for summary adjudication.

22 5. On December 3, 2009, the *York* court denied Defendant’s motion for
23 summary adjudication.

24 6. On December 9, 2009, the Ninth Circuit denied Plaintiff’s petition for
25 appeal.

1 THEREFORE, THE PARTIES HEREBY STIPULATE that the January 22, 2010
2 hearing be taken off calendar, and this action be transferred to the Central District.

3 **IT IS SO STIPULATED.**

4 Dated: December 17, 2009

AKIN GUMP STRAUSS HAUER &
FELD LLP

7 By /s/ Mark R. Curiel
Mark R. Curiel
Attorneys for Defendant
STARBUCKS CORPORATION


10 Dated: December 17, 2009

SPIRO MOSS LLP

13 By /s/ Gregory N. Karasik
Gregory N. Karasik
Attorneys for Plaintiff
ANDRONIKI GATES

17 **IT IS SO ORDERED.**

18 Dated: December 18, 2009

19 By 
Hon. Jeffrey S. White
Judge of the United States District Court