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18 **UNITED STATES DISTRICT COURT**  
19 **EASTERN DISTRICT OF CALIFORNIA**

20 LISA LYNN HARVEL, on behalf of herself,  
21 all others similarly situated and the general  
22 public,  
23 Plaintiff,  
24 v.

25 OWENS HEALTHCARE – RETAIL  
26 PHARMACY, INC., a California corporation,  
27 and as TRUSTEE OF THE OWENS  
28 HEALTHCARE – RETAIL PHARMACY,  
INC. EMPLOYEE BENEFIT PLAN, and  
DOES 1-50, inclusive,  
Defendants.

) Case No.: 2:09-cv-01249-JAM-GGH

)  
) **STIPULATION FOR EXTENSION OF**  
) **TIME TO FILE JOINT STATUS**  
) **REPORT**

29 Pursuant to Local Rule 6-144, Plaintiff LISA LYNN HARVEL (“Plaintiff”),  
30 individually and on behalf of all others similarly situated, and Defendant OWENS

1 HEALTHCARE-RETAIL PHARMACY, INC. (“Defendant”), by and through their counsel  
2 of record, request this Court grant the parties a 30-day extension of time within which to file  
3 their Joint Status Report.

4 1. On May 6, 2009, Plaintiff filed a class action complaint against Defendant  
5 alleging violations of ERISA § 510 (29 U.S.C. § 1140), ERISA § 202(a) (29 U.S.C. §  
6 1052(a)), and ERISA breach of fiduciary duty.

7 2. On July 2, 2009, the Court granted the parties’ stipulation to extend  
8 Defendant’s time for filing a responsive pleading to July 29, 2009.

9 3. On July 29, 2009, Defendant filed its Notice of Motion and Motion to Dismiss  
10 Plaintiff’s Class Action Complaint Under Fed. R. Civ. Proc. 12(b)(6).

11 4. Pursuant to the Court’s Order Requiring Joint Status Report issued on May 7,  
12 2009 (Dkt. 4) and Fed. R. Civ. P. 26(f), the parties held a case management conference on  
13 August 7, 2009, whereby the parties entered into discussions related to narrowing the scope  
14 of the disputed issues in this matter. As such discussions are currently ongoing and may  
15 affect the requirements for, or narrow the scope of, the Joint Status Report, which may save  
16 the parties and the Court unnecessary time, expense and resources, the parties request the  
17 Court grant a 30-day extension of time within which the parties may file their Joint Status  
18 Report pursuant to the Court’s May 7, 2009 Order Requiring Joint Status Report and Local  
19 Rule 16-240(b).

20 IT IS SO STIPULATED.

21 Dated this 10<sup>th</sup> day of August, 2009.

THIERMAN LAW FIRM, PC

22 By:           /s/Mark R. Thierman            
23 MARK R. THIERMAN

24 Attorney for Plaintiff  
25 LISA LYNN HARVEL

26 Dated this 10<sup>th</sup> day of August, 2009.

JACKSON LEWIS LLP

27 By:           /s/ Jason M. Stein            
28 RENÉ E. THORNE (LA SBN 22875)

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Attorneys for Defendant  
OWENS HEALTHCARE-RETAIL  
PHARMACY, INC.

**ORDER**

Based upon stipulation of the parties, and good reason appearing, IT IS SO  
ORDERED.

DATED: August 12, 2009.

  
HONORABLE JOHN A. MENDEZ