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 15 OWENS HEALTHCARE-RETAIL PHARMACY,
 16 INC.

17 UNITED STATES DISTRICT COURT
 18 FOR THE EASTERN DISTRICT OF CALIFORNIA - SACRAMENTO DIVISION

19 LISA LYNN HARVEL, on behalf of herself,
 20 all others similarly situated and the general
 21 public
 22
 23 Plaintiff,
 24
 25 v.
 26 OWENS HEALTHCARE-RETAIL
 27 PHARMACY, INC., a California corporation,
 28 and as TRUSTEE OF THE OWENS
 HEALTHCARE-RETAIL PHARMACY,
 INC. EMPLOYEE BENEFIT PLAN, and
 DOES 1-50 inclusive,
 Defendant.

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

**STIPULATION FOR EXTENSION OF
 TIME TO FILE RESPONSE TO
 AMENDED COMPLAINT**

Complaint filed: April 30, 2009
 Trial Date: none

Pursuant to Local Rule 6-144, Plaintiff LISA LYNN HARVEL ("Plaintiff"), individually and on behalf of all others similarly situated, and Defendant, OWENS HEALTHCARE-RETAIL PHARMACY, INC. ("Defendant"), by and through their counsel of record, request this Court grant Defendant a 30-day extension of time within which to file its response to Plaintiff's Amended Complaint as the parties are currently engaged in discussions which may obviate the

1 need for any responsive pleading.

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

5 2. On July 2, 2009, the Court granted the parties' stipulation to extend Defendant's
6 time for filing a responsive pleading to July 29, 2009.

7 3. On July 29, 2009, Defendant filed its Notice of Motion and Motion to Dismiss
8 Plaintiff's Class Action Complaint under Fed. R. Civ. Proc. 12(b)(6).

9 4. Pursuant to the Court's Order Requiring a Joint Status Report, issued on May 7,
10 2009 (Dkt. 4), and Fed. R. Civ. P. 26(f), the parties held a case management conference on
11 August 7, 2009, whereby the parties entered into discussions related to narrowing the scope of the
12 disputed issues in this matter. In view of those discussions, to save the parties and the Court an
13 unnecessary waste of time, expense, and resources, the parties requested the Court grant
14 the parties a 30-day extension of time within which to file their Joint Status Report, which the
15 Court granted.

16 5. On August 14, 2009, Plaintiff filed an Amended Complaint. However, the parties'
17 discussions have evolved, and they are currently engaged in discussions, which may obviate the
18 need for Defendant to file any responsive pleading. As such, the parties request this Court grant
19 Defendant a 30-day extension of time within which to file its response to Plaintiff's Amended
20 Complaint so that the parties can fully explore the potential early resolution of this matter.

21
22 IT IS SO STIPULATED.

23 Dated this 31st day of August, 2009.

THIERMAN LAW FIRM, PC

24 By: /s/Mark R. Thierman

25 MARK R. THIERMAN

26 Attorney for Plaintiff
27 LISA LYNN HARVEL
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Dated this 31st day of August, 2009. JACKSON LEWIS LLP

By: /s/ Jason M. Stein
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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 31, 2009

/s/ John A. Mendez
HONORABLE JOHN A. MENDEZ