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8 Attorneys for Defendant,
 OWENS HEALTHCARE-RETAIL PHARMACY,
 9 INC.

10 UNITED STATES DISTRICT COURT
 11 EASTERN DISTRICT OF CALIFORNIA – SACRAMENTO DIVISION

12
 13
 14 LISA LYNN HARVEL, on behalf of herself, all
 others similarly situated and the general public,

15 Plaintiff,

16 v.

17 OWENS HEALTHCARE-RETAIL
 PHARMACY, INC., a California corporation,
 18 and as TRUSTEE OF THE OWENS
 HEALTHCARE-RETAIL PHARMACY, INC.
 19 EMPLOYEE BENEFIT PLAN, and DOES 1-50,
 inclusive,

20 Defendants.
 21

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

**STIPULATION FOR CONTINUANCE
 OF HEARING DATE AND DATE FOR
 OWENS TO RESPOND TO AMENDED
 COMPLAINT**

Complaint Filed: 5/6/09
 Trial Date: None

22 Pursuant to Local Rule 78-230(g), Plaintiff LISA LYNN HARVEL
 23 ("Plaintiff"), individually and behalf of all others similarly situated, and Defendant, OWENS
 24 HEALTHCARE-RETAIL PHARMACY, INC. ("Defendant"), by and through their counsel of
 25 record, request that this Court grant a continuance of the hearing on Defendant's Motion to
 26 Dismiss currently set for November 4, 2009 to January 6, 2010 at 9:00 AM. In addition, the
 27 parties request that this Court grant a continuance of the date by which Defendant must
 28 respond to Plaintiffs' Amended Complaint, currently set for October 30, 2009, to January 6,

Stipulation For Continuance of Hearing Date and
 Date for Owens to Respond to Amended
 Complaint

1 2010. This request for continuance is to allow the parties time to finalize a settlement
2 agreement that will result in resolution of Plaintiff's claims and obviate the need for
3 Defendant's motion to dismiss to be heard and Defendant to respond to Plaintiff's Amended
4 Complaint.

5 IT IS SO STIPULATED.

6 Dated: October 27, 2009.

THIERMAN LAW FIRM, PC

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8 By: /s/Mark R. Thierman
MARK R. THIERMAN

9 Attorney for Plaintiff
10 LISA LYNN HARVEL

11 Dated: October 27, 2009.

JACKSON LEWIS LLP

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13 By: /s/Jason M. Stein
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21 Attorneys for Defendant
22 OWENS HEALTHCARE-RETAIL
23 PHARMACY, INC.

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ORDER

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

DATED: October 27, 2009

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