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16 Attorneys for Plaintiff PATRICK WILSON

17  
18 UNITED STATES DISTRICT COURT  
19 EASTERN DISTRICT OF CALIFORNIA

20 PATRICK WILSON, individually and on  
behalf of all other members of the general  
21 public similarly situated, and as aggrieved  
employees pursuant to the Private  
22 Attorneys General Act (PAGA),

23 Plaintiff,

24 vs.

25 BEST BUY COMPANY, INC., a  
Minnesota Company; and DOES 1 through  
26 100, inclusive,

27 Defendants.

Case No. 2:10-CV-03136-GEB-KJN

**STIPULATION AND [PROPOSED] ORDER  
RE: SECOND AMENDED COMPLAINT  
SUBSTITUTING BEST BUY STORES, L.P.  
FOR BEST BUY COMPANY, INC. AS NAMED  
DEFENDANT**

Complaint Filed: October 13, 2010  
Trial Date: TBD

1 **STIPULATION**

2 Pursuant to Civil Local Rule 143 of the Eastern District of California, Defendant Best Buy  
3 Co., Inc. (“Defendant” or “Best Buy”) and Plaintiff Patrick Wilson (“Plaintiff”) (together the  
4 “Parties”), by and through their respective counsel, stipulate as follows:

5 WHEREAS, on or about October 13, 2010, Plaintiff filed his Complaint in the Superior  
6 Court of the State of California for the County of Sacramento, naming Best Buy Company, Inc. as  
7 the defendant;

8 WHEREAS, on November 19, 2010, Defendant filed a Notice of Removal pursuant to 28  
9 U.S.C. Section 1332(d), 28 U.S.C. Section 1441, 28 U.S.C. Section 1446 and 28 U.S.C. Section  
10 1453;

11 WHEREAS, Plaintiff filed a First Amended Complaint on February 28, 2011, which also  
12 named Best Buy Company, Inc. as the defendant;

13 WHEREAS, Defendant filed its Answer to the First Amended Complaint on March 10,  
14 2011;

15 WHEREAS, Best Buy Company, Inc. was not the entity that employed Plaintiff, nor has it  
16 employed any members of the putative class defined in the First Amended Complaint;

17 WHEREAS, Best Buy Stores, L.P. was Plaintiff’s and the putative class members’  
18 employer;

19 WHEREAS, to avoid unnecessary confusion regarding the identity of the Defendant in  
20 this matter, counsel for Plaintiff has offered to file a Second Amended Complaint, in which Best  
21 Buy Stores, L.P. is substituted for Best Buy Company, Inc. as the named defendant; and

22 WHEREAS pursuant to Federal Rule of Civil Procedure, Rule 15(a)(2), a party may  
23 amend its pleading by leave of court or by written consent of the opposing party, and leave shall  
24 be freely given when justice so requires;

25 THEREFORE, IT IS HEREBY STIPULATED between the Parties, through their counsel,  
26 that:

27 1. Plaintiff shall file a Second Amended Complaint identical to the First Amended  
28 Complaint, except that “Best Buy Stores, L.P.” shall be substituted for “Best Buy Company, Inc.”

1 as the defendant;

2 2. Defendant shall have fifteen (15) days after the filing to file a responsive pleading;  
3 and

4 3. All references to "Best Buy Company, Inc." and "Defendant" in written discovery  
5 served by Plaintiff to date shall be deemed to mean "Best Buy Stores, L.P."

6

7 Dated: May 27, 2011

R. REX PARRIS LAW FIRM

8

By /s/ Douglas Han  
(as authorized on May 26, 2011)

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Douglas Han  
Attorneys for Plaintiff  
PATRICK WILSON

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12 Dated: May 27, 2011

MORGAN, LEWIS & BOCKIUS LLP

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By /s/ Stephen Taeusch

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Rebecca Eisen  
Stephen Taeusch  
Attorneys for Defendant  
BEST BUY CO., INC.

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### ORDER

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18 The Court has reviewed the Parties' Stipulation Re: Second Amended Complaint  
19 Substituting Best Buy Stores, L.P. For Best Buy Company, Inc. as Named Defendant. Good  
20 cause appearing, the Court ORDERS that Plaintiff shall have leave to file the Second Amended  
21 Complaint and Defendant shall have fifteen (15) days after the filing to file a responsive pleading.

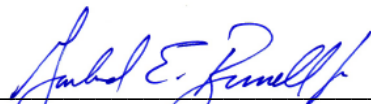
22 **IT IS SO ORDERED.**

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**Date: 6/2/2011**

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GARLAND E. BURRELL, JR.  
United States District Judge

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