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UNITED STATES DISTRICT COURT

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EASTERN DISTRICT OF CALIFORNIA

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11 KEITH WELDAY, an individual

No. 2:13-CV-02439 JAM-EFB

12

Plaintiff,

Related to Nos.

13

vs.

- 2:14-CV-01946 JAM-EFB;
- 2:14-CV-01957 JAM-EFB;
- 2:14-CV-01960 JAM-EFB;
- 2:14-CV-01961 JAM-EFB;
- 2:14-CV-01963 JAM-EFB;
- 2:14-CV-01965 JAM-EFB;
- 2:15-CV-00429 JAM-EFB;
- 2:15-CV-00622 JAM-EFB;
- 2:15-CV-00623 JAM-EFB.

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RITE AID CORPORATION, and DOES 1
through 50, inclusive,

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Defendants

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**STIPULATION TO WITHDRAW MOTION
TO STAY AND SET DEADLINE FOR JOINT
STATUS REPORT**

19

Judge: Hon. John A. Mendez

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Attorneys for Defendant
Rite Aid Corporation

1 Plaintiff Keith Welday and defendant Rite Aid Corporation (“Rite Aid”), acting through their
2 respective counsel of record, hereby stipulate as follows:

3 1. This is one of 10 related actions pending before the Court: *Keith Welday v. Rite Aid*
4 *Corp.*, 2:13-CV-02439 JAM-EFB (“*Welday*”); *Tom Bauser v. Rite Aid Corp.*, 2:14-CV-01946 JAM-EFB
5 (“*Bauser*”); *Rachel Chavez v. Rite Aid Corp.*, 2:14-CV-01957 JAM-EFB (“*Chavez*”); *Mark Jaeger v.*
6 *Rite Aid Corp.*, 2:14-CV-01960 JAM-EFB (“*Jaeger*”); *Bruce Kaufman v. Rite Aid Corp.*, 2:14-CV-
7 01961 JAM-EFB (“*Kaufman*”); *Chris Gonzalez v. Rite Aid Corp.*, 2:14-CV-01963 JAM-EFB
8 (“*Gonzalez*”); *Kathryn Von Kopp v. Rite Aid Corp.*, 2:14-CV-01965 JAM-EFB (“*Von Kopp*”); *Kevin*
9 *Lewis v. Rite Aid Corp.*, 2:15-CV-00429 JAM-EFB (“*Lewis*”); *Jeff Wise v. Rite Aid Corp.*, 2:15-CV-
10 00622 JAM-EFB (“*Wise*”); and *Paul Neumann v. Rite Aid Corp.*, 2:15-CV-00623 JAM-EFB
11 (“*Neumann*”) (collectively the “Related Actions”).

12 2. On March 4, 2015, Rite Aid moved to stay *Welday*, *Bauser*, *Chavez*, *Jaeger*, *Kaufman*,
13 *Gonzalez*, and *Von Kopp* pending *Romero v. Rite Aid Corp.*, U.S.D.C., C.D. Cal., No. CV 13-7720-
14 MWF (JEMx) (“*Romero*”), a putative class action in which the plaintiff alleges that Rite Aid
15 misclassified salaried Store Managers as exempt from the overtime pay and related requirements of
16 California law. Because the plaintiffs in *Welday*, *Bauser*, *Chavez*, *Jaeger*, *Kaufman*, *Gonzalez*, and *Von*
17 *Kopp* and the putative class in *Romero* are represented by the same counsel and plaintiffs in *Welday*,
18 *Bauser*, *Chavez*, *Jaeger*, *Kaufman*, *Gonzalez*, and *Von Kopp* are putative class member in *Romero*, Rite
19 Aid contended that the Court here should stay these proceedings as an effective case management tool
20 under its inherent discretionary authority. *See Landis v. North American Co.*, 299 U.S. 248, 254-55
21 (1936). (*See, e.g., Welday* ECF 26.) Rite Aid’s motions to stay remain pending before the Court,
22 though the hearings were vacated on April 16, 2015. (*See, e.g., Welday* ECF 34.) No such motions
23 were filed in *Lewis*, *Wise*, or *Neumann*.

24 3. On March 2, 2015, separate counsel filed against Rite Aid a multi-plaintiff and putative
25 class action in Santa Clara County Superior Court entitled *Chavez v. Rite Aid Corp.*, Santa Clara Super.
26 Ct. No. 1-15-CV-277313 (“*Chavez II*”) in which the plaintiffs allege that Rite Aid misclassified salaried
27 Store Managers as exempt from the overtime pay and related requirements of California law.

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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
10

11 KEITH WELDAY, an individual

12 Plaintiff,

13 vs.
14

15 RITE AID CORPORATION, and DOES 1
16 through 50, inclusive,

17 Defendants

No. 2:13-CV-02439 JAM-EFB

Related to Nos.

2:14-CV-01946 JAM-EFB;
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2:14-CV-01963 JAM-EFB;
2:14-CV-01965 JAM-EFB;
2:15-CV-00429 JAM-EFB;
2:15-CV-00622 JAM-EFB;
2:15-CV-00623 JAM-EFB.

18 **ORDER WITHDRAWING MOTION TO STAY AND SETTING DEADLINE FOR JOINT STATUS REPORT**

19 Judge: Hon. John A. Mendez
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On the stipulation of the parties, and good cause appearing therefor,

IT IS ORDERED that defendant Rite Aid Corporation's motion to stay this action pending *Romero v. Rite Aid Corp.*, U.S.D.C., C.D. Cal., No. CV 13-7720-MWF (JEMx), is WITHDRAWN.

IT IS FURTHER ORDERED that the parties' deadlines to file their joint status report is set for May 18, 2015, to coincide with the deadline to file joint status reports in the other actions related to this action by the Court's prior orders.

Dated: April 20, 2015.

/s/ John A. Mendez
John A. Mendez
United States District Court Judge