

1 (Counsel of record listed on next page)

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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;

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

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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Defendants

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

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Judge: Hon. John A. Mendez

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MATTHEW RIGHETTI (Cal. State Bar No. 121012)  
JOHN GLUGOSKI (Cal. State Bar No. 191551)  
MICHAEL RIGHETTI (Cal. State Bar No. 258541)  
RIGHETTI GLUGOSKI, P.C.  
456 Montgomery Street, Suite 1400  
San Francisco, California 94104  
Telephone: (415) 983-0900  
Facsimile: (415) 397-9005  
[matt@righettilaw.com](mailto:matt@righettilaw.com)  
[john@righettilaw.com](mailto:john@righettilaw.com)  
[mike@righettilaw.com](mailto:mike@righettilaw.com)

Attorneys for Plaintiff  
Keith Welday

JEFFREY D. WOHL (Cal. State Bar No. 096838)  
RISHI N. SHARMA (Cal. State Bar No. 239034)  
PETER A. COOPER (Cal. State Bar No. 275300)  
PAUL HASTINGS LLP  
55 Second Street, 24th Floor  
San Francisco, California 94105-3441  
Telephone: (415) 856-7000  
Facsimile: (415) 856-7100  
[jeffwohl@paulhastings.com](mailto:jeffwohl@paulhastings.com)  
[rishisharma@paulhastings.com](mailto:rishisharma@paulhastings.com)  
[petercooper@paulhastings.com](mailto:petercooper@paulhastings.com)

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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1           4.       On April 15, 2015, the parties in *Romero* agreed to dismiss without prejudice the putative  
2 class and representative claims in that action, which obviates Rite Aid's motion to stay in *Welday*,  
3 *Bauser, Chavez, Jaeger, Kaufman, Gonzalez, and Von Kopp*. Rite Aid also agrees not to move to stay  
4 the Related Actions pending *Chavez II*.

5           5.       As such, the parties request that the Court:

- 6           a.       permit Rite Aid to withdraw its motions to stay in *Welday, Bauser, Chavez,*  
7                    *Jaeger, Kaufman, Gonzalez, and Von Kopp*;
- 8           b.       set the parties' deadline to file a joint status report for May 18, 2015, to coincide  
9                    with the parties' current or requested deadline to file joint status reports in the  
10                   Related Actions; and
- 11           c.       enter similar orders on the parties' stipulations in the Related Actions.

12           6.       The parties also have agreed to set the deadline to exchange initial or supplemental  
13 disclosures for May 18, 2015, in this action and the Related Actions.

14           Dated: April 16, 2015.

MATTHEW RIGHETTI  
JOHN GLUGOSKI  
MICHAEL RIGHETTI  
RIGHETTI GLUGOSKI, P.C.

17           By: \_\_\_\_\_  
18                                   Michael Righetti  
                                  Attorneys for Plaintiff Keith Welday

19           Dated: April 16, 2015.

JEFFREY D. WOHL  
RISHI N. SHARMA  
PETER A. COOPER  
PAUL HASTINGS LLP

22           By: \_\_\_\_\_  
23                                   Peter A. Cooper  
                                  Attorneys for Defendant Rite Aid Corporation

1 (Counsel of record listed on next page)  
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8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
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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-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**  
19 **STAY AND SETTING DEADLINE FOR**  
20 **JOINT STATUS REPORT**

Judge: Hon. John A. Mendez  
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MATTHEW RIGHETTI (Cal. State Bar No. 121012)  
JOHN GLUGOSKI (Cal. State Bar No. 191551)  
MICHAEL RIGHETTI (Cal. State Bar No. 258541)  
RIGHETTI GLUGOSKI, P.C.  
456 Montgomery Street, Suite 1400  
San Francisco, California 94104  
Telephone: (415) 983-0900  
Facsimile: (415) 397-9005  
[matt@righettilaw.com](mailto:matt@righettilaw.com)  
[john@righettilaw.com](mailto:john@righettilaw.com)  
[mike@righettilaw.com](mailto:mike@righettilaw.com)

Attorneys for Plaintiff  
Keith Welday

JEFFREY D. WOHL (Cal. State Bar No. 096838)  
RISHI N. SHARMA (Cal. State Bar No. 239034)  
PETER A. COOPER (Cal. State Bar No. 275300)  
PAUL HASTINGS LLP  
55 Second Street, 24th Floor  
San Francisco, California 94105-3441  
Telephone: (415) 856-7000  
Facsimile: (415) 856-7100  
[jeffwohl@paulhastings.com](mailto:jeffwohl@paulhastings.com)  
[rishisharma@paulhastings.com](mailto:rishisharma@paulhastings.com)  
[petercooper@paulhastings.com](mailto:petercooper@paulhastings.com)

Attorneys for Defendant  
Rite Aid Corporation

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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