

1 Brad Seligman (SBN 083838)
2 Jocelyn D. Larkin (SBN 110817)
3 THE IMPACT FUND
4 125 University Avenue
5 Berkeley, CA 94710
6 Telephone: 510.845.3473
7 Facsimile: 510.845.3654

8 Attorneys for Plaintiffs

9 Theodore J. Boutrous, Jr. (SBN 132099)
10 GIBSON, DUNN & CRUTCHER LLP
11 333 South Grand Avenue
12 Los Angeles, CA 90071
13 Telephone: 213.229.7000
14 Facsimile: 213.229.7520
15 TBoutrous@gibsondunn.com

16 Attorney for Defendant

17 Joseph M. Sellers
18 Christine E. Webber
19 Jenny R. Yang
20 COHEN MILSTEIN SELLERS & TOLL
21 PLLC
22 West Tower, Suite 500
23 1100 New York Avenue
24 Washington, DC 20005
25 Telephone: 202.408.4600
26 Facsimile: 202.408.4699

27 UNITED STATES DISTRICT COURT
28 NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

14 BETTY DUKES, PATRICIA SURGESON,
15 EDITH ARANA, DEBORAH GUNTER and
16 CHRISTINE KWAPNOSKI, on behalf of
17 themselves and all others similarly situated,

18 Plaintiffs,

19 v.

20 WAL-MART STORES, INC.,

21 Defendant.

CASE NO.: C 01-2252-CRB

**STIPULATION AND ORDER
REGARDING FILING OF
SUPPLEMENTAL MEMORANDUM IN
SUPPORT OF WAL-MART'S MOTION
TO DISMISS FOURTH AMENDED
COMPLAINT**

22 The undersigned counsel, on behalf of Betty Dukes, Patricia Surgeson, Edith Arana, Deborah
23 Gunter, and Christine Kwapnoski ("Named Plaintiffs") and Defendant Wal-Mart Stores, Inc. ("Wal-
24 Mart"), hereby stipulate and agree as follows:

25 WHEREAS, on January 3, 2012, pursuant to a stipulation of the parties, this Court established
26 a briefing schedule on Wal-Mart's Motion to Dismiss the Fourth Amended Complaint, *see* Dkt. 780;

27 WHEREAS, on January 13, 2012, Wal-Mart filed its Motion to Dismiss the Fourth Amended
28 Complaint and a Memorandum of Points and Authorities in Support Thereof, *see* Dkt. 781;

1 WHEREAS, Wal-Mart wishes to file a supplemental memorandum in support of its motion to
2 dismiss, not to exceed five pages, to assert an argument regarding the timeliness of the plaintiffs'
3 class allegations;

4 WHEREAS, Wal-Mart has agreed that Named Plaintiffs may have an additional five pages
5 and seven days in which to respond to all of the arguments made in support of Wal-Mart's motion to
6 dismiss;

7 WHEREAS, counsel for Named Plaintiffs have agreed to Wal-Mart's proposal and consented
8 to the filing of the supplemental memorandum on the terms stated; and

9 WHEREAS, the stipulated changes to the briefing schedule described below do not alter the
10 date by which any reply brief by Wal-Mart shall be filed, such that all briefing shall be completed by
11 the same date as was previously ordered by the Court, *see* Dkt. 769, 780;

12 THEREFORE, the Named Plaintiffs and Wal-Mart stipulate and agree as follows:

13 1. Wal-Mart may file a Supplemental Memorandum of Points and Authorities in Support
14 of its Motion to Dismiss the Fourth Amended Complaint no later than March 21, 2012 that shall not
15 exceed 5 pages;

16 2. Named Plaintiffs' response to Wal-Mart's Motion to Dismiss the Fourth Amended
17 Complaint shall be filed no later than March 30, 2012 and shall not exceed 50 pages;

18 3. The deadline for the filing of Wal-Mart's reply, if one is to be filed, shall remain
19 unchanged as April 13, 2012;

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 4. The hearing date set for Wal-Mart's Motion to Dismiss shall be May 7, 2012 at
2 10:00 a.m..

3
4 IT IS SO STIPULATED.

5 Dated: March 21, 2012

6 By: /s/ Brad Seligman

By: /s/ Theodore J. Boutrous, Jr.

7 Brad Seligman (SBN 083838)
8 Jocelyn D. Larkin (SBN 110817)
9 THE IMPACT FUND
10 125 University Avenue
11 Berkeley, CA 94710
12 Telephone: 510.845.3473
13 Facsimile: 510.845.3654

Theodore J. Boutrous, Jr. (SBN 132099)
GIBSON, DUNN & CRUTCHER LLP
333 South Grand Avenue
Los Angeles, CA 90071
Telephone: 213.229.7000
Facsimile: 213.229.7520

11 Attorneys for Plaintiffs

Attorney for Defendant

**I, Theodore J. Boutrous, Jr., attest that
concurrence in the filing of this document
has been obtained from the other signatory.**

14
15 PURSUANT TO STIPULATION, IT IS SO ORDERED.

16
17 DATE: MARCH 23, 2012

