

1 THE IMPACT FUND
 Jocelyn D. Larkin (SBN 110817)
 2 Robert Schug (SBN 249640)
 125 University Avenue, Suite 102
 3 Berkeley, CA 94710
 Telephone: (510) 845-3473
 4 Facsimile: (510) 845-3654
 jlarkin@impactfund.org

SEYFARTH SHAW LLP
 Kenwood C. Youmans (SBN 68258)
 David D. Kadue (SBN 113578)
 2029 Century Park East, Suite 3500
 Los Angeles, California 90067-2901
 Telephone: (310) 201-5211
 Facsimile: (310) 201-5219
 dkadue@seyfarth.com

5 LEWIS, FEINBERG, LEE,
 6 RENAKER & JACKSON, P.C.
 Bill Lann Lee (SBN 108452)
 7 Lindsay Nako (SBN 239090)
 476 9th Street
 8 Oakland, CA 94607
 Telephone: (510) 839-6824
 9 Facsimile: (510) 839-7839
 blee@lewisfeinberg.com

SEYFARTH SHAW LLP
 Gerald L. Maatman (*admitted pro hac vice*)
 Annette Tyman (*admitted pro hac vice*)
 131 South Dearborn Street
 Chicago, Illinois 60603
 Telephone: (312) 460-5965
 Facsimile: (312) 460-7965
 gmaatman@seyfarth.com

10 [Additional Counsel Listed on
 11 Signature Page]

SEYFARTH SHAW LLP
 Thomas J. Wybenga (*admitted pro hac vice*)
 c/o Costco Wholesale Corporation
 999 Lake Drive
 12 Issaquah, WA 98027-5367
 Telephone: (425) 313-6794
 Facsimile: (425) 313-6922
 twybenga@seyfarth.com

12 Attorneys for Plaintiffs and Certified Classes

Attorneys for Defendant Costco Wholesale Corporation

17 UNITED STATES DISTRICT COURT
 18 NORTHERN DISTRICT OF CALIFORNIA

20 SHIRLEY "RAE" ELLIS, et al.,)
 21 Plaintiffs,)
 22 v.)
 23 COSTCO WHOLESALE CORPORATION)
 24 Defendant.)

Case No. C04 3341 EMC
**STIPULATION AND [PROPOSED]
 ORDER REGARDING (1) EXTENSION
 OF BRIEFING DEADLINES RE
 MOTION FOR ATTORNEYS' FEES
 AND COSTS AND (2) HEARING DATE
 ON MOTION FOR ATTORNEYS' FEES**

1 **STIPULATION**

2 The Plaintiffs have filed a motion for preliminary approval of a class action settlement
3 and a motion for attorneys' fees.

4 The Court has set a hearing date on the motion for preliminary approval for February 6,
5 2014.

6 The Court has set a hearing date on the motion for attorneys' fees for March 13, 2014,
7 with Costco's opposition due on January 24, 2014 and Plaintiffs' reply due on February 24,
8 2014.

9 The Parties submit that the briefing schedule and the hearing on the motion for attorneys'
10 fees should be moved for two reasons. First, the Parties have been discussing information that
11 may lead Costco not to oppose the motion. Additional time will allow those discussions to be
12 completed. Second, the current hearing date of March 13, 2014, will come before class members
13 will have the full period notice period to lodge objections to the fee request, as any notice to the
14 class will not occur until sometime after the February 6 hearing date on the motion for
15 preliminary approval. Thus, a modest relaxation of the current briefing and hearing dates may
16 avoid unnecessary briefing and permit for a more streamlined hearing at a time when the Court
17 will have more information available to it.

18 Therefore, Counsel for Plaintiffs and the Certified Classes and Defendant Costco
19 Wholesale Corporation stipulate as follows:

- 20 1. Costco's opposition to Plaintiffs' motion for attorneys' fees and costs, now due on
21 January 24, 2014, will be due on January 31, 2014.
- 22 2. Plaintiffs' reply brief in support of their motion for attorneys' fees and costs, now due
23 on February 24, 2014, will be due on March 4, 2014.
- 24 3. The hearing on the motion for attorneys' fees and costs, now set for March 13, 2014,
25 will be set at or near the time the Court will set for its hearing on a motion for final
26 approval of the settlement, if the Court grants preliminary approval.

1 **IT IS SO STIPULATED.**

2 Dated: January 21, 2014

/s/ Jocelyn D. Larkin
Counsel for Plaintiffs

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4 Dated: January 21, 2014

/s/ David D. Kadue
Counsel for Defendant

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6 Additional Counsel for Plaintiffs:

7 LIEFF, CABRASER, HEIMANN
8 & BERNSTEIN, LLP
9 Kelly Dermody (SBN 171716)
10 Daniel Hutchinson (SBN 239458)
11 Embarcadero Center West
12 275 Battery Street, 30th Floor
13 San Francisco, CA 94111-3339
14 Telephone: (415) 956-1000
15 Facsimile: (415) 956-1008
16 kdermody@lchb.com

17 DAVIS, COWELL & BOWE, LLP
18 Steve Stemerman (SBN 067690)
19 Elizabeth A. Lawrence (SBN 111781)
20 595 Market Street, #1400
21 San Francisco, CA 94105
22 Telephone: (415) 597-7200
23 Facsimile: (415) 597-7201
24 eal@dcbsf.com

17 ALTSHULER BERZON LLP
18 James M. Finberg (SBN 114850)
19 177 Post Street, Suite 300
20 San Francisco, CA 94108
21 Telephone: (415) 421-7151
22 Facsimile: (415) 362-8064
23 jfinberg@altshulerberzon.com
24 Additional Counsel for Defendant

21 SEYFARTH SHAW LLP
22 David B. Ross (*admitted pro hac vice*)
23 620 8th Avenue
24 32nd Floor
25 New York, New York 10018
26 (212) 218-5500
27 dross@seyfarth.com

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The Court orders as follows:

[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED:

1. Costco's opposition to Plaintiffs' motion for attorneys' fees and costs, now due on January 24, 2014, will be due on January 31, 2014.
2. Plaintiffs' reply brief in support of their motion for attorneys' fees and costs, now due on February 24, 2014, will be due on March 4, 2014.
3. The hearing on the motion for attorneys' fees and costs, now set for March 13, 2014, will be set at or near the time the Court will set for its hearing on a motion for final approval of the settlement, if the Court grants preliminary approval.

Dated: 1/24/14

