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15 Attorneys for Defendant
 16 Rite Aid Corporation

17 UNITED STATES DISTRICT COURT
 18 NORTHERN DISTRICT OF CALIFORNIA

20 PRAG TIERNO, individually and on
 behalf of all others similarly-situated,

21 Plaintiffs,

22 vs.

23 RITE AID CORPORATION, and DOES
 24 1 through 25, inclusive,

25 Defendants.

No. C-05-02520-TEH

**STIPULATION AND ~~PROPOSED~~ ORDER
 RE: INDIVIDUALS APPARENTLY
 INCORRECTLY LISTED AS CLASS
 MEMBERS AND DIRECTING NOTICE TO
 AFFECTED INDIVIDUALS**

1 **STIPULATION**

2 Plaintiff Prag Tierno and defendant Rite Aid Corporation (“Rite Aid”), through their respective
3 counsel, hereby stipulate as follows:

- 4 1. On August 31, 2006, this Court certified the class in this action as consisting of:
5 all persons who are or have been employed by Rite Aid as Store Managers in the State of
6 California from May 9, 2001, until the date of Preliminary Approval of the Settlement.

7 (Docket No. 87.)

8 2. Pursuant to this certification order, and based on a list supplied by Rite Aid, on
9 February 17, 2007, the Notice Administrator mailed notice of this action and certification of the class to
10 all individuals identified as Class Members. These individuals included Frank Cortright, Patricia
11 Kepley, Robin Knoblach, Glenda London, Agavni Turadzhikyan, and Dennis Vetica.

12 3. On April 22, 2009, the parties filed a Joint Motion for Preliminary Approval of Class
13 Action Settlement (Docket No. 215), and noticed it for hearing on June 1, 2009, at 10:00 a.m.

14 4. On May 22, 2009, the Court granted the parties’ Joint Motion for Preliminary Approval
15 of Class Action Settlement without a hearing (Docket No. 221).

16 5. Pursuant to the Class Action Fairness Act of 2005 (“CAFA”) 28 U.S.C. § 1715, and the
17 terms of the Settlement Agreement (*see* Settlement, § III.F.1.b., Exh. E), Rite Aid was required to give
18 notice of the Settlement to the Attorney General of the United States and the appropriate officials of the
19 states where Class Members are known to reside.

20 6. In the process of calculating the estimated shares for each Class Member for purposes of
21 the CAFA notice, Rite Aid determined for the first time that according to its personnel records, Frank
22 Cortright, Patricia Kepley, Robin Knoblach, Glenda London, Agavni Turadzhikyan, and Dennis Vetica
23 were not employed as Rite Aid Store Managers in the State of California during the period of May 9,
24 2001, to the present. Specifically, Rite Aid discovered that:

- 25 a. Frank Cortright was a Store Manager from 1974 until 1997.
26 b. Patricia Kepley was a Store Manager from 2000 until March 2001.
27 c. Robin Knoblach was a Store Manager from 1985 until February 2001.
28 d. Glenda London was a Store Manager from 1999 until January 2001.

1 e. Agavni Turadzhikyan was a Store Manager from 1989 until 1999.

2 f. Dennis Vetica was a Store Manager from 1972 until 1998.

3 7. As a consequence, it appears that these individuals are not members of the Class and that
4 they erroneously were sent the February 17, 2007, notice of the class action.

5 8. The parties have conferred about this development. They agree that the Settlement
6 Administrator should send a letter, in the form evidenced by Exhibit A to this stipulation, to each of
7 these six individuals informing them of their apparently erroneous inclusion in the Class and providing
8 them with the opportunity to present evidence disputing Rite Aid's records that their employment as a
9 Rite Aid Store Manager ended before the commencement of the class period. In the event that the
10 Settlement Administrator determines that they are members of the Class, then they would be provided
11 with notice of the Settlement and the opportunity to object to the Settlement.

12 9. The parties believe there is good cause for this stipulation and ask the Court to adopt it as
13 its order.

14 Dated: May 26, 2009.

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17 By: /s/ Scott Edward Cole

18 Scott Edward Cole
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and the Plaintiff Class

20 Dated: May 26, 2009.

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23 By: /s/ Jeffrey D. Wohl

24 Jeffrey D. Wohl
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ORDER

Based on the stipulation of the parties, and good cause appearing therefor,

IT IS SO ORDERED.

Dated: May 27, 2009.

