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22 UNITED STATES DISTRICT COURT  
 23  
 24 NORTHERN DISTRICT OF CALIFORNIA

25 LACHLAN WATERBURY, KEN  
 26 FAROTTE, individually and on behalf of  
 27 all others similarly situated,

28 Plaintiffs,

v.

SAFEWAY INC., and DOES 1-25,  
 inclusive,

Defendants.

Case No. C-06-02072 JL

**JOINT UPDATED CASE MANAGEMENT  
 STATEMENT**

Judge: James Larson  
 Dept.: F  
 Date: December 17, 2008  
 Time: 10:30 a.m.

1 As requested by the Court, Plaintiffs and Defendant Safeway Inc. ("Defendant") hereby  
2 submit this updated joint case management statement in advance of the conference scheduled for  
3 December 17, 2008.

4 The parties have stipulated that Plaintiffs' counsel may seek to add Plaintiff Lachlan  
5 Waterbury to a state court action now pending before the Alameda County Superior Court, entitled  
6 *Farotte v. Safeway, Inc. et al.*, (Alameda County Superior Court Case No. RG 05205915). In the  
7 event that the Judge presiding over the Alameda County Superior Court approves such addition,  
8 Plaintiffs' counsel would plan to seek dismissal of the current matter without prejudice.

9 The parties are currently working on the above-referenced stipulation and therefore request  
10 that the case management conference set for December 17, 2008 be vacated and re-set in  
11 approximately sixty days. By this time the parties believe they will know whether Waterbury will be  
12 permitted to join the state court lawsuit.

13 Dated: December 12, 2008



14  
15 LAURA E. HAYWARD  
16 LITTLER MENDELSON  
17 A Professional Corporation  
18 Attorneys for Defendant  
19 SAFEWAY INC.

20 Dated: December 12, 2008



21 KEVIN ALLEN  
22 SCOTT COLE & ASSOCIATES, APC  
23 Attorneys for Plaintiffs

24 Firmwide: 87748070.1 001153.1523

25 The Case Management Conference shall be continued to February 18, 2009 at 10:30a.m. The  
26 parties are to file updated statements one week prior to the conference.

27 IT IS SO ORDERED.

28 DATED: 12/16/08



James Larson  
Chief Magistrate Judge