

1 Peter W. Craigie, State Bar No. 99509  
2 Kristen E. Drake, State Bar No. 202827  
3 Craigie, McCarthy & Clow  
4 540 Pacific Avenue  
5 San Francisco, California 94133  
6 Telephone: 415-732-7788  
7 Facsimile: 415-732-7783  
8 E-mail: craigielaw@aol.com

9 Louis T. Pirkey  
10 E-mail: lpirkey@pirkeybarber.com  
11 Susan J. Hightower  
12 E-mail: shightower@pirkeybarber.com  
13 Pirkey Barber LLP  
14 600 Congress Avenue, Suite 2120  
15 Austin, Texas 78701  
16 Telephone: 512-322-5200  
17 Facsimile: 512-322-5201

18 Attorneys for Plaintiff and Counterdefendant  
19 Grocery Outlet Inc.

Robert A. Weikert, SBN 121146  
E-mail: raweikert@thelen.com  
Veronica Colby Devitt, SBN 79955  
E-mail: vdevitt@thelen.com  
John A. Chatowski, SBN 174471  
E-mail: jachatowski@thelen.com  
Marlene J. Williams, SBN 197107  
E-mail: mjwilliams@thelen.com  
THELEN REID BROWN RAYSMAN &  
STEINER LLP  
101 Second Street, Suite 1800  
San Francisco, California 94105-3606  
Telephone: 415-371-1200  
Facsimile: 415-371-1211

Attorneys for Defendants and  
Counterclaimants American Stores  
Company, LLC and New Albertsons, Inc.

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

16 GROCERY OUTLET INC., )  
17 )  
18 Plaintiff, )  
19 )  
20 v. )  
21 AMERICAN STORES COMPANY, LLC, and )  
22 NEW ALBERTSONS, INC., )  
23 )  
24 Defendants. )  
25 )  
26 )  
27 )  
28 )  
AMERICAN STORES COMPANY, LLC, and )  
NEW ALBERTSONS, INC., )  
Counterclaimants. )  
vs. )  
GROCERY OUTLET INC., )  
Counterdefendant. )

Civil Case No. C06-02173 JSW  
**STIPULATION AND ~~PROPOSED~~  
ORDER REFERRING CASE TO  
MAGISTRATE JUDGE BERNARD  
ZIMMERMAN FOR SETTLEMENT  
CONFERENCE**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**STIPULATION**

IT IS HEREBY STIPULATED AND AGREED AND RESPECTFULLY REQUESTED, by and between plaintiff and counterdefendant Grocery Outlet Inc. (“Grocery Outlet”) and defendants and counterclaimants American Stores Company, LLC and New Albertsons, Inc. (“Defendants”) as follows:

1) On January 25, 2008, this Court directed counsel to meet and confer and submit a request by February 1, 2008 for a referral to a specific Magistrate Judge, or if the parties could not agree upon a specific Magistrate Judge, a panel of proposed Magistrate Judges for a settlement conference.

2) The parties have met and conferred and request that the case be referred to Magistrate Judge Bernard Zimmerman for a settlement conference.

Respectfully submitted,

Dated: February 1, 2008

CRAIGIE, McCARTHY & CLOW

/s/ Peter W. Craigie

Peter W. Craigie  
Attorneys for Plaintiff and Counterdefendant  
Grocery Outlet Inc.

Dated: February 1, 2008

THELEN REID BROWN RAYSMAN  
& STEINER LLP

/s/ Robert A. Weikert

Robert A. Weikert  
Attorneys for Defendants and Counterclaimants  
AMERICAN STORES COMPANY, LLC and  
NEW ALBERTSONS, INC.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

GENERAL ORDER 45 CERTIFICATION

I, Peter W. Craigie, hereby attest pursuant to N.D. Cal. General Order No. 45 that the concurrence to the filing of this document has been obtained from each signatory hereto.

Dated: February 1, 2008

CRAIGIE, McCARTHY & CLOW

/s/ Peter W. Craigie

Peter W. Craigie  
Attorneys for Plaintiff and Counterdefendant  
Grocery Outlet Inc.

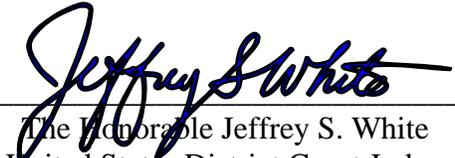
ORDER

For good cause appearing, IT IS HEREBY ORDERED that:

This case is referred to Magistrate Judge Bernard Zimmerman for a settlement conference.  
to be completed by May 5, 2008.

**IT IS SO ORDERED.**

Dated: February 1, 2008

  
The Honorable Jeffrey S. White  
United States District Court Judge