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 AMERICAN STORES COMPANY, LLC, NEW  
 9 ALBERTSONS, INC., and ALBERTSON'S LLC  
 and Counterclaimants AMERICAN STORES  
 10 COMPANY, LLC and NEW ALBERTSONS, INC.

11 UNITED STATES DISTRICT COURT  
 12 NORTHERN DISTRICT OF CALIFORNIA  
 13 (SAN FRANCISCO DIVISION)

14 GROCERY OUTLET INC.,  
 15 Plaintiff,  
 16 vs.  
 17 AMERICAN STORES COMPANY, LLC,  
 NEW ALBERTSONS, INC.,  
 18 ALBERTSONS, LLC, and SAVE MART  
 SUPERMARKETS,  
 19 Defendants.  
 20  
 21 AMERICAN STORES COMPANY, LLC,  
 and NEW ALBERTSONS, INC.,  
 22 Counterclaimants,  
 23 vs.  
 24 GROCERY OUTLET INC.,  
 25 Counterdefendant.

Case No.: C06-02173 JSW

**STIPULATION TO MODIFY PRE-TRIAL  
 ORDER AND ~~PROPOSED~~ ORDER**

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**STIPULATION**

IT IS HEREBY STIPULATED AND AGREED AND RESPECTFULLY REQUESTED, by and between Plaintiff and Counter-Defendant Grocery Outlet Inc. and Defendants and Counter-Claimants American Stores Company, LLC, New Albertson’s, Inc., Albertson’s LLC and Save Mart Supermarkets as follows:

1) On December 21, 2007, the Court issued a pre-trial order setting a trial date, pre-trial conference date and various other pre-trial dates.

1) On September 29, 2008, the Court continued the pre-trial conference date to April 13, 2009 at 2:00 p.m., and the trial date to May 4, 2009 at 8:30 a.m.

2) In light of the continuance of the foregoing dates, the parties hereby stipulate to continue the rebuttal expert disclosure date to November 26, 2008 and the expert discovery cut-off date to January 23, 2009.

Respectfully submitted,

Dated: October 7, 2008

CRAIGIE, McCARTHY & CLOW

\_\_\_\_\_  
/s/ Peter W. Craigie  
Peter W. Craigie  
Attorneys for Plaintiff and Counter-Defendant  
Grocery Outlet Inc.

Dated: October 7, 2008

THELEN LLP

\_\_\_\_\_  
/s/ John A. Chatowski  
John A. Chatowski  
Attorneys for Defendants and Counter-Claimants  
American Stores Company, LLC, New Albertson’s,  
Inc. and Albertson’s LLC

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Dated: October 7, 2008

LAW OFFICES OF PERRY IRVINE

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*/s/ Perry Irvine*

Perry Irvine  
Attorneys for Defendant Save Mart Supermarkets

GENERAL ORDER 45 CERTIFICATION

I, John A. Chatowski, 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: October 7, 2008

THELEN LLP

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*/s/ John A. Chatowski*

John A. Chatowski  
Attorneys for Defendants and Counter-Claimants  
American Stores Company, LLC, New Albertson's,  
Inc. and Albertson's LLC

**ORDER**

For good cause appearing, IT IS HEREBY ORDERED that:  
The rebuttal expert disclosure date is continued to November 26, 2008; and  
The expert discovery cut-off date is continued to January 23, 2009.

**IT IS SO ORDERED.**

Dated: October 7, 2008

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*Jeffrey S. White*  
Jeffrey S. White

UNITED STATES DISTRICT COURT JUDGE