

1 Robert A. Weikert, State Bar No. 121146
rweikert@nixonpeabody.com
 2 John A. Chatowski, State Bar No. 174471
jchatowski@nixonpeabody.com
 3 NIXON PEABODY LLP
 One Embarcadero Center, Suite 1800
 4 San Francisco, CA 94111
 Telephone: (415) 984-8200
 5 Facsimile: (415) 984-8300
 6 Attorneys for Defendants
 AMERICAN STORES COMPANY, LLC, NEW
 7 ALBERTSONS, INC., and ALBERTSON'S LLC
 and Counterclaimants AMERICAN STORES
 8 COMPANY, LLC and NEW ALBERTSONS, INC.

9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA
 11 (SAN FRANCISCO DIVISION)

12 GROCERY OUTLET INC.,
 13 Plaintiff,
 14 vs.
 15 AMERICAN STORES COMPANY, LLC,
 16 NEW ALBERTSONS, INC.,
 ALBERTSONS, LLC, and SAVE MART
 17 SUPERMARKETS,
 18 Defendants.

Case No.: C06-02173 JSW

SUBSTITUTION OF COUNSEL
AND ORDER THEREON

19 AMERICAN STORES COMPANY, LLC
 and NEW ALBERTSONS, INC.,
 20 Counterclaimants.
 21 vs.
 22 GROCERY OUTLET INC.,
 23 Counterdefendant.

24 TO THE CLERK OF THE COURT AND ALL PARTIES AND COUNSEL OF RECORD
 25 HEREIN:

26 PLEASE TAKE NOTICE that Defendants American Stores Company, LLC, New
 27 Albertsons, Inc., and Albertson's LLC and Counterclaimants American Stores Company, LLC and
 28

1 New Albertsons, Inc. (collectively "Defendants and Counterclaimants"), as of November 17, 2008
2 have retained NIXON PEABODY LLP to act as their counsel of record in this matter.

3 Accordingly, NIXON PEABODY LLP will replace THELEN LLP as counsel of record for
4 Defendants and Counterclaimants from that day forward. Copies of all pleadings and notices, and
5 all other communications related to this action, should no longer be directed THELEN LLP, but,
6 instead, should be directed to counsel at the following addresses:

7
8 Robert A. Weikert, Esq.
rweikert@nixonpeabody.com
9 John A. Chatowski, Esq.
jchatowski@nixonpeabody.com
10 NIXON PEABODY LLP
11 One Embarcadero Center, Suite 1800
12 San Francisco, CA 94111
Telephone: (415) 984-8200
Facsimile: (415) 984-8300

13 I consent to this substitution:

14 **PARTIES**

15 Dated: November 13, 2008 By: _____ /s/
16 Daniel S. Day, Esq.
17 For Defendants and Counterclaimants
18 AMERICAN STORES COMPANY, LLC and NEW
19 ALBERTSONS, INC.

20 Dated: November 13, 2008 By: _____ /s/
21 Chip Cole, Esq.
22 For Defendant
23 ALBERTSON'S LLC

24 **LAW FIRM SUBSTITUTING OUT AS COUNSEL**

25 Dated: November 20, 2008 THELEN LLP

26 By: _____ /s/
27 Eliza Rodrigues
28 Attorneys for Defendants
AMERICAN STORES COMPANY, LLC, NEW
ALBERTSONS, INC., and ALBERTSON'S LLC
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

LAW FIRM SUBSTITUTING IN AS COUNSEL

December 3, 2008

NIXON PEABODY LLP

By: _____ /s/
John A. Chatowski
Attorneys for Defendants
AMERICAN STORES COMPANY, LLC, NEW
ALBERTSONS, INC., and ALBERTSON'S LLC
and Counterclaimants AMERICAN STORES
COMPANY, LLC and NEW ALBERTSONS, INC.

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: December 3, 2008

NIXON PEABODY LLP

By: _____ /s/
John A. Chatowski
Attorneys for Defendants
AMERICAN STORES COMPANY, LLC, NEW
ALBERTSONS, INC., and ALBERTSON'S LLC
and Counterclaimants AMERICAN STORES
COMPANY, LLC and NEW ALBERTSONS, INC.

#11228069



Dated: December 3, 2008