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Attorneys for Defendant Ross Stores, Inc.

12 **UNITED STATES DISTRICT COURT**
 13 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

15 PATRICK J. MCGEE, individually and on
 16 behalf of all others similarly situated,

Plaintiff,

v.

18 ROSS STORES, INC., and DOES 1-10,

Defendants.

21 AMBER TOLLEY MCNERNEY,
 22 individually and on behalf of all others
 23 similarly situated,

Plaintiff,

v.

24 ROSS STORES, INC., and DOES 1-10

Defendants.

No. C 06 7496 CRB

Consolidated Case No. C 07-4503 CRB

**STIPULATION RE MODIFICATION TO
 BRIEFING SCHEDULE REGARDING
 MOTIONS FOR FINAL APPROVAL OF
 CLASS SETTLEMENT AND FOR
 ATTORNEYS FEES AND COSTS;
~~PROPOSED~~ ORDER**

Final Approval Date: January 9, 2009
 Time: 10:00 a.m.

Judge: Honorable Charles R. Breyer
 Action Filed: December 6, 2006
 Trial Date: None

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STIPULATION

Plaintiffs Patrick J. McGee and Amber Tolley McNerney (“Plaintiffs”) and Defendant Ross Stores, Inc. (“Defendant”), through their undersigned counsel, and stipulate as follows:

1. WHEREAS, the Court previously granted preliminary approval of the parties’ class action settlement and set the hearing re final approval for January 9, 2009 at 10:00 a.m.

2. WHEREAS, under this Court’s notice period for regularly noticed motions, the January 9, 2009 hearing date would require filing of the motions for final approval and for attorneys’ fees and costs by December 5, 2008 (i.e., 35 days before the hearing date);

3. WHEREAS, the motions will be unopposed;

4. WHEREAS, the parties are respectfully requesting an additional week, until December 12, 2008, to submit the motions for final approval and for attorneys fees and costs, in light of the holidays, the unopposed nature of the motions, and the expected receipt from the claims information of additional updated claims information prior to December 12, 2008 which will not be available by December 5, 2008;

THEREFORE, the parties hereby stipulate, and respectfully request an order as follows:

The hearing date on Plaintiffs’ Motion for Final Approval and Motion for Attorneys Fees, Costs and Incentive Awards shall remain as presently scheduled, i.e., January 9, 2009, at 10:00

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SIGNATURES UNDER GENERAL ORDER NO. 45

Pursuant to General Order No. 45 of the United States District Court, Northern District of California, I, J. Mark Moore—the ECF User whose User ID and Password are used in the filing of this document—hereby attest that the concurrence to the filing of this document has been obtained from the other signatory to this document.

/s/ _____
J. Mark Moore