

1 TRAINOR FAIRBROOK
 JOHN D. FAIRBROOK (SBN 105115)
 2 ARTHUR B. MARK III (SBN 220865)
 980 Fulton Avenue
 3 Sacramento, California 95825-4558
 Telephone: (916) 929-7000
 4 Facsimile: (916) 929-7111
 wms:4371002.546970.1

5 Attorneys for Plaintiff
 6 WRI GOLDEN STATE, LLC

7 THELEN REID BROWN RAYSMAN & STEINER
 LLP
 8 Gregory P. O'Hara, (SBN 131963)
 Daniel J. Muller, (SBN 193396)
 9 225 West Santa Clara Street, 12th Floor
 San Jose, California 95113
 10 Telephone: (408) 292-5800
 Facsimile: (408) 287-8040

11 Attorneys for Defendant/Cross-Complainant
 12 SAVE MART SUPERMARKETS, d/b/a FOOD
 MAXX

TRAINOR FAIRBROOK
 Attorneys At Law
 980 FULTON AVENUE
 SACRAMENTO, CALIFORNIA 95825-4558
 Telephone: (916) 929-7000
 Facsimile: (916) 929-7111

13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA
 15 SAN FRANCISCO DIVISION

16 WRI GOLDEN STATE, LLC, a Delaware
 limited liability company
 17
 18 Plaintiff,
 19 v.
 20 SAVE MART SUPERMARKETS, d/b/a
 FOOD MAXX,
 21
 22 Defendant.

Case No. C07-1480 (MMC)

**STIPULATION AND [PROPOSED]
 ORDER TO EXTEND TIME RE
 PLAINTIFF'S DEPOSITION OF
 PERSON(S) MOST KNOWLEDGEABLE
 FOR RITE AID CORPORATION**

23
 24
 25
 26
 27
 28
**STIPULATION AND [PROPOSED] ORDER TO EXTEND TIME RE
 PLAINTIFF'S DEPOSITION OF PERSON(S) MOST KNOWLEDGEABLE FOR
 RITE AID CORPORATION**

TRINOR FAIRBROOK
Attorneys At Law
980 FULTON AVENUE
SACRAMENTO, CALIFORNIA 95825-4558
Telephone: (916) 929-7000
Facsimile: (916) 929-7111

1 **STIPULATION**

2 Pursuant to Federal Rule of Civil Procedure 29(b), the parties stipulate that the deposition
3 of the person(s) most knowledgeable for Rite Aid Corporation may be taken outside the current
4 discovery cutoff date of January 18, 2008 in order to accommodate the schedule of Rite Aid
5 based on the following facts:

6 1. The non-expert discovery cutoff date in this case was set for January 18, 2008 by
7 the Court's June 22, 2007 Pre Trial Preparation Order;

8 2. On January 2, 2008, Plaintiff caused to be issued a subpoena in a civil case to Rite
9 Aid Corporation for the person(s) most knowledgeable as to certain specified areas of inquiry
10 pursuant to Federal Rule of Civil Procedure 30(b)6;

11 3. Notice of this deposition was served via facsimile and mail on January 2, 2008 on
12 Defendant;

13 4. The deposition subpoena was served on Rite Aid Corporation by personal service
14 on January 3, 2008;

15 5. The deposition of the person(s) most knowledgeable for Rite Aid was scheduled to
16 take place on January 15, 2008;

17 6. On or about January 11, 2008, counsel for Plaintiffs and Defendants agreed that in
18 order to accommodate the schedule of Rite Aid, the deposition would need to be rescheduled
19 beyond January 18, 2008. (See Exhibit A hereto.) The parties expect that the deposition will
20 occur on or before February 29, 2008;

21 7. Accordingly, the parties through their counsel of record hereby stipulate that the
22 time for the deposition of the person(s) most knowledgeable for Rite Aid Corporation noticed for
23 January 15, 2008, may be extended until February 29, 2008.

24 ////

25 ////

26 ////

27 ////

28 ////

TRAINOR FAIRBROOK
Attorneys At Law
980 FULTON AVENUE
SACRAMENTO, CALIFORNIA 95825-4558
Telephone: (916) 929-7000
Facsimile: (916) 929-7111

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

Dated: February 5, 2008

Respectfully submitted,

TRAINOR FAIRBROOK

By: /s/ARTHUR B. MARK III
ARTHUR B. MARK III
Attorneys for Plaintiff/Counter-Defendant
WRI GOLDEN STATE, LLC

Dated: February 5, 2008

Respectfully submitted,

THELEN REID BROWN RAYSMAN &
STEINER LLP

By: /s/DANIEL J. MULLER
DANIEL J. MULLER
Attorneys for Defendant/Counter-Claimant
SAVE MART SUPERMARKETS, d/b/a
FOOD MAXX

ORDER

In accordance with the above Stipulation of the parties, the time for Plaintiff to take and complete the deposition of the person(s) most knowledgeable for Rite Aid Corporation that was scheduled for January 15, 2008, may be extended up to and including February 29, 2008.

IT IS SO ORDERED:

Dated: February 8, 2008


HONORABLE MAXINE M. CHESNEY

EXHIBIT A



T R A I N O R F A I R B R O O K
A T T O R N E Y S A T L A W

Arthur B. Mark III
amark@trainorfairbrook.com

January 11, 2008

Daniel J. Muller, Esquire
Thelen, Reid, Brown, Raysman & Steiner, LLP
225 West Santa Clara Street, Twelfth Floor
San Jose, California 95113

Re: WRI Golden State v. Save Mart Supermarkets
United States District Court, Northern District of California
San Francisco Division - Case No. C07-1480 (MMC)

Dear Mr. Muller:

This will confirm our agreement that you have no objection to rescheduling the deposition of the Person Most Knowledgeable for Rite Aid currently noticed for January 15, 2008 in order to accommodate Rite Aid's schedule. Moreover, this will confirm that you have no objection to completing or taking this deposition outside the current discovery cutoff date and will not object to the deposition on that ground. Once I hear from Rite Aid with respect to available dates, I will contact you so that we may set the deposition on a mutually agreeable date. Please contact me immediately if this does not accurately set forth our agreement.

Very truly yours,

Arthur B. Mark III

ABM:wms
4371002.545884.1