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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

BRITTANY KEENE, individually and on
behalf of others similarly situated,

No. C 07-05324 WHA

Plaintiffs,

**ORDER RE PARTIES' REQUEST
FOR CONTINUANCE**

v.

COLDWATER CREEK, INC., a Delaware
corporation, and DOES 1 through 100,
inclusive,

Defendants.

On August 14, 2008, plaintiff filed a motion for preliminary approval of class action settlement. The Court held a hearing on the motion on September 18 at which the Court expressed certain concerns with the proposed settlement. Following the hearing, the parties met and conferred and, on September 26, 2008, submitted proposed revisions to the settlement agreement. In an October 3 order, the Court indicated that the parties' proposal resolved many of the Court's concerns but that the Court continued to have concern with a provision of the agreement that deemed absentee class members who did not receive the notice of settlement to be included in the settlement class, and thus ti have their rights unknowingly barred. The Court suggested a "deemed opted out" provision and, if necessary, an adjustment of the settlement price.


On October 23, 2008, the parties filed a request for a continuance of plaintiff's deadline to file the class certification motion and of other case management dates so that the parties

1 could continue to work toward an acceptable agreement. The parties indicated that they intend
2 to file proposed revisions to the settlement agreement on November 4, 2008. At present, the
3 deadline for plaintiff's class certification motion is October 31, 2008, and the trial is set to begin
4 on February 2, 2009. The parties requested that the class certification motion deadline and
5 other pre-trial dates be continued 90 days, and that the February 2 trial date be vacated with the
6 understanding that it will be reset if the parties do not reach an approved settlement.

7 The Court hereby **CONTINUES** the deadline for plaintiff's class certification motion three
8 weeks, to **NOVEMBER 21, 2008**, to facilitate the ongoing settlement negotiations. This order
9 **DENIES** the request to continue the remaining dates in the in the January 24 and June 3 case
10 management orders, without prejudice to the filing of another request explaining the need for
11 such a continuance following the pending settlement proposal.

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13 **IT IS SO ORDERED.**

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15 Dated: October 27, 2008

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18 WILLIAM ALSUP
19 UNITED STATES DISTRICT JUDGE
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