

1 PETER M. HART, Esq. (State Bar No. 198691)
 LAW OFFICES OF PETER M. HART
 2 13952 Bora Bora Way, F-320
 Marina Del Rey, CA 90292
 3 Telephone: (310) 478-5789
 Facsimile: (509) 561-6441
 4 hartpeter@msn.com

5 ERIC HONIG (State Bar No. 140765)
 LAW OFFICE OF ERIC HONIG
 6 P.O. Box 10327
 Marina del Rey, California 90295
 7 Telephone: (310) 314-2603
 Facsimile: (310) 314-2793
 8 erichonig@aol.com

9 KENNETH H. YOON (State Bar No. 198443)
 LAW OFFICES OF KENNETH H. YOON
 10 One Wilshire Blvd., Suite 2200
 Los Angeles, CA 90017
 11 Telephone: (213) 612-0988
 Facsimile: (213) 947-1211
 12 kyoon@yoon-law.com

13 LARRY W. LEE
 DIVERSITY LAW GROUP, A Professional Corporation
 14 444 S. Flower Street, Suite 1370
 Los Angeles, CA 90071
 15 Telephone: (213) 488 – 6555
 Facsimile: (213) 488 – 6554
 16 lwlee@diversitylaw.com

17 Attorneys for Shameika Moody

18 **UNITED STATES DISTRICT COURT**

19 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

20 SHAMEIKA MOODY as an individual and on
 21 behalf all of others similarly situated,

21 Plaintiff,

22 vs.

23 CHARMING SHOPPES OF DELAWARE,
 24 INC., a corporation; and DOES 1 through 50,
 inclusive,

25 Defendants.

Case No.: C 07-06073 MHP

**STIPULATION TO REFER PLAINTIFF'S
 MOTION FOR PRELIMINARY APPROVAL
 OF CLASS ACTION SETTLEMENT AND
 OBJECTION THERETO TO MAGISTRATE
 JUDGE FOR FINDINGS AND
 RECOMMENDATION**

[28 U.S.C. 636(b)(1)(B); Civil Local Rules 7-12,
 72-1]

1 WHEREFORE, Plaintiff Shameika Moody (“Plaintiff”) and Defendants Charming Shoppes of
2 Delaware, Inc. and Lane Bryant, Inc. (“Defendants”) (together as the “Parties”), by and through their
3 respective counsel of record, hereby stipulate and agree as follows:

4 On October 6, 2008, Plaintiff filed a motion for preliminary approval of the Stipulation and
5 Agreement to Settle Class Action and Limited Release (“Settlement” or “Agreement”), reached by
6 Plaintiff and Defendants, which was originally set for hearing before this Court on November 17,
7 2008. Defendant did not oppose the motion.

8 On November 10, 2008, putative class member Stephanie Priddy (“Priddy”) filed an objection
9 and opposition to the settlement claiming, among other things, that the settlement was unfair. In
10 response, Plaintiff and Defendants each filed their respective responses/oppositions to Priddy’s
11 objection.

12 On December 2, 2008, the Court held an initial hearing on Plaintiff’s motion. The Court
13 ordered that the Parties provide Priddy with data and information pertaining to the settlement and that
14 the Parties and Priddy submit further briefing on their respective positions prior to the continued
15 hearing date. The Court continued the hearing to January 12, 2009.

16 On January 12, 2009, the Court held a further hearing on Plaintiff’s motion. The Court did not
17 rule on Plaintiff’s motion at that time but continued the matter for further hearing on March 2, 2009.
18 The Court ordered Plaintiff’s counsel to submit a supplemental declaration attesting to the valuation of
19 the claims and the reasonableness of the settlement. At the January 12 hearing, the Court also stated
20 that if further hearing was necessary that the Court would likely refer the motion to a magistrate judge
21 for a report and recommendation. *See*, Transcript of 1/12/09 Hearing 24:13-16, 26:5-11.

22 On February 27, 2009, the Court issued an order stating: “The parties are notified that the
23 hearing of the motion(s) in this matter currently on calendar for March 2, 2009, is hereby VACATED,
24 and shall be re-noticed by further order of Court. Counsel shall submit in writing, not later than March
25 9, 2009, a report on outstanding issues with this action and *C 08-5377 MHP Stephanie Priddy -v- Lane*
26 *Bryant et al.*”

27 On March 9, 2009, the Parties submitted their joint status report as ordered by the Court

1 describing in detail the various hearings and filings that had occurred since Plaintiff initially moved
2 for preliminary approval of the Parties' class action settlement six (6) months earlier.

3 In the three (3) months since the Parties' last filing, the Court has neither re-noticed the hearing
4 on Plaintiff's motion nor issued any orders with regard to Plaintiff's motion.

5 Title 28 United States Code, Section 636(b)(1)(B) provides that:

6 "[A] judge may also designate a magistrate judge to conduct hearings, including
7 evidentiary hearings, and to submit to a judge of the court proposed findings of
8 fact and recommendations for the disposition, by a judge of the court, of any
motion excepted in subparagraph (A)"1

9 In order to address and permit a more fulsome discussion of any outstanding issues and move
10 this matter closer to a ruling on Plaintiff's motion, Plaintiff and Defendants request and stipulate that
11 the Court refer Plaintiff's Motion for Preliminary Approval of Class Action Settlement to the
12 Honorable Elizabeth D. Laporte, United States Magistrate Judge or, in the alternative, a random
13 assignment to a United States Magistrate Judge for the purpose of (1) reviewing and analyzing the
14 Parties' briefings on the motion to date, including Priddy's objection and the Parties' responses
15 thereto, (2) conducting any further hearing(s) deemed necessary, and (3) making findings of fact and
16 recommendations for the disposition of Plaintiff's Motion for Preliminary Approval. The Parties
17 believe that referral to a magistrate judge for the above purposes will greatly assist in moving this
18 matter toward resolution.

19 **IT IS SO STIPULATED.**

20
21 Dated: June 9, 2009

DIVERSITY LAW GROUP

22
23 By: Larry W. Lee /S/
24 Larry W. Lee
25 Attorneys for Plaintiff Shameika Moody

26 1 One of the motions excepted in subparagraph (A) of Section 636(b)(1) is a motion "to
27 dismiss or to permit maintenance of a class action". Plaintiff's present motion
28 appears to fall within the scope of "excepted motions", as it seeks preliminary

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: June 9, 2009

MORGAN, LEWIS & BOCKIUS, LLP

By: Eric Meckley /S/
Eric Meckley
Attorneys for Defendants Lane Bryant, Inc. and
Charming Shoppes, Inc.

approval of a class action settlement.

1 PETER M. HART, Esq. (State Bar No. 198691)
LAW OFFICES OF PETER M. HART
2 13952 Bora Bora Way, F-320
Marina Del Rey, CA 90292
3 Telephone: (310) 478-5789
Facsimile: (509) 561-6441
4 hartpeter@msn.com

5 ERIC HONIG (State Bar No. 140765)
LAW OFFICE OF ERIC HONIG
6 P.O. Box 10327
Marina del Rey, California 90295
7 Telephone: (310) 314-2603
Facsimile: (310) 314-2793
8 erichonig@aol.com

9 KENNETH H. YOON (State Bar No. 198443)
LAW OFFICES OF KENNETH H. YOON
10 One Wilshire Blvd., Suite 2200
Los Angeles, CA 90017
11 Telephone: (213) 612-0988
Facsimile: (213) 947-1211
12 kyoon@yoon-law.com

13 LARRY W. LEE
DIVERSITY LAW GROUP, A Professional Corporation
14 444 S. Flower Street, Suite 1370
Los Angeles, CA 90071
15 Telephone: (213) 488 – 6555
Facsimile: (213) 488 – 6554
16 lwlee@diversitylaw.com

17 Attorneys for Shameika Moody

18 **UNITED STATES DISTRICT COURT**

19 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

20 SHAMEIKA MOODY as an individual and on
behalf all of others similarly situated,

21 Plaintiff,

22 vs.

23 CHARMING SHOPPES OF DELAWARE,
INC., a corporation; and DOES 1 through 50,
24 inclusive,

25 Defendants.

Case No.: C 07-06073 MHP

**[PROPOSED] ORDER TO REFER
PLAINTIFF’S MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT AND OBJECTION
THERE TO TO MAGISTRATE JUDGE FOR
FINDINGS AND RECOMMENDATION**

[28 U.S.C. 636(b)(1)(B); Civil Local Rules 7-12,
72-1]

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

The parties having so stipulated, and GOOD CAUSE APPEARING THEREFORE, it is hereby ordered that Plaintiff's Motion for Preliminary Approval of Class Action Settlement be referred to the Honorable _____, United States Magistrate Judge, for the purpose of (1) reviewing and analyzing the Parties' briefings on the motion to date, including Priddy's objection and the Parties' responses thereto, (2) conducting any further hearing(s) deemed necessary, and (3) making findings of fact and recommendations for the disposition of Plaintiff's Motion for Preliminary Approval.

Date: 9/24/2009

