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SELECT COMFORT RETAIL CORPORATION,
25 BED BATH & BEYOND, INC. and THE SLEEP TRAIN, INC.
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1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 SAN FRANCISCO DIVISION

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5 MOLLY STEARNS, RUTH ROSE, DENNIS) Case No. C08 02746 SC
6 FULLER, BONNIE FULLER, DAN)
7 SCHLESINGER, KAREN WILLIAMS, AND) **STIPULATION TO CONTINUE CASE**
8 BRYAN WILLIAMS) **MANAGEMENT CONFERENCE DUE TO**
9) **SETTLEMENT; AND [PROPOSED]**
10) **ORDER**
11) **Local Rule 6-1**
12) **Complaint Filed: April 25, 2008**
13)
14)

15 vs.)
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15 SELECT COMFORT RETAIL)
16 CORPORATION, a Minnesota Corporation;)
17 BED BATH & BEYOND, INC., a New York)
18 Corporation; THE SLEEP TRAIN, INC., a)
19 California Corporation, and DOES 1)
20 through 50,000, inclusive,)
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15 Plaintiffs,)
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15 Defendants.)
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15 IT IS HEREBY STIPULATED AND AGREED BY ALL PARTIES AND THEIR COUNSEL OF
16 RECORD:

17 WHEREAS, based on the stipulation of the parties, the Court ordered a continuance of
18 the Case Management Conference in the above-entitled matter and rescheduled the
19 conference for June 8, 2012 before the Honorable Samuel Conti. (ECF Doc. No. 116.)

20 WHEREAS, the parties' request to reschedule the conference for June 8 was based in
21 part on a mediation session the parties scheduled with Mr. Brad Bening in an effort to resolve
22 the matter prior to the Case Management Conference. (ECF Doc. No. 115.)

23 WHEREAS, the parties participated in mediation on May 30, 2012 with Mr. Brad Bening
24 and were able to resolve the case.

25 WHEREAS, given that the parties were able to resolve the case at the mediation and are
26 prepared to submit a stipulation and order for dismissal of the above-entitled action upon
27 execution of a settlement agreement, which the parties are currently negotiating, the Case
28

1 Management Conference should be continued to August 31, 2012, Courtroom 1, at 10:00 a.m.

2 WHEREAS, the parties request the Court continue the Case Management Conference to
3 give the parties time to finalize and execute the settlement agreement and to finalize and file a
4 stipulation of dismissal with the Court. .

5 WHEREAS, in the event the parties are unable to finalize and execute the settlement
6 agreement and file a stipulation of dismissal prior to August 24, 2012, the parties will submit,
7 on that date, a Joint Case Management Conference Statement.

8 NOW THEREFORE, the parties hereby agree and stipulate that the Case Management
9 Conference scheduled for June 8, 2012 should be continued to August 31, 2012, Courtroom 1
10 at 10:00 a.m.

11
12 Dated: June 6, 2012

BUSTAMANTE, O'HARA & GAGLIASSO

13
14 By _____ /S/

15 Robert M. Gagliasso
16 Andrew V. Stearns
17 Steven M. Berki
18 Attorneys for Plaintiffs
MOLLY STEARNS, RUTH ROSE, DENNIS FULLER,
BONNIE FULLER, DAN SCHLESINGER, KAREN
WILLIAMS, AND BRIAN WILLIAMS

19 Dated: June 6, 2012

OPPENHEIMER WOLFF & DONNELLY LLP

20
21 By _____ /S/

22 Andrew S. Hansen
23 Heidi A.O. Fisher
24 Meghan M. Anzelc
25 Attorneys for Defendants
26 SELECT COMFORT RETAIL CORPORATION, BED BATH
27 & BEYOND INC., and THE SLEEP TRAIN, INC.
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GENERAL ORDER 45(X)(B) STATEMENT

Pursuant to General Order No. 45(X)(b), I hereby attest that concurrence in the filing of this document has been obtained from counsel for Defendants SELECT COMFORT RETAIL CORPORATION, BED BATH & BEYOND INC., and THE SLEEP TRAIN, INC, and that I have retained in my possession all signatures of counsel subject to this stipulation.

By _____/S/_____
Robert M. Gagliasso

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[PROPOSED] ORDER


The Court, having considered the parties' Stipulation, the documents and records on file with the Court, and finding good cause therefore, hereby orders:

Due to the resolution of matter, the Case Management Conference currently scheduled for June 8, 2012, is hereby continued to August 31, 2012, Courtroom 1, at 10:00 a.m. In the event the parties are unable to finalize and execute the settlement agreement and file a stipulation of dismissal by August 24, 2012, the parties will submit on that date, a Joint Case Management Conference Statement.

This is the final continuance of this Case Management Conference that will be entertained by the Court. No further continuances will be granted.

IT IS SO ORDERED.

Dated: June 7, 2012

By:  _____
Hon. Samuel Conti
United States District Court
Judge Samuel Conti

