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 AMERICA, INC. D/B/A LENSRAFTERS, INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

BRIAN KING, MATTHEW SMELSER and DAWN  
 CONE, individuals, on behalf of themselves and all  
 other similarly situated,

Plaintiffs,

v.

LENSCRAFTERS, INC., LUXOTTICA GROUP  
 S.P.A. and Does 1 through 100,

Defendants.

Case No. 3:09-cv-03081-SI

**STIPULATION TO  
 CONTINUE CASE  
 MANAGEMENT  
 CONFERENCE**

1 WHEREAS the Court stayed this action on February 24, 2010, pending a ruling on final  
2 approval of the settlement in *Felice Martinez v. LensCrafters, Inc*, C08-01699 PJH (“*Martinez*”);

3 WHEREAS the Court has scheduled a case management conference in this action on  
4 April 23, 2010 and the parties are required to file a joint case management statement on April 16,  
5 2010;

6 WHEREAS the hearing on final approval of the settlement in *Martinez* is currently  
7 scheduled for April 14, 2010;

8 NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between the  
9 parties, through their respective counsel of record, subject to the approval of the Court, that the  
10 case management conference currently set for April 23, 2010, be continued to May 14, 2010.

11 **IT IS SO STIPULATED.**

12 Dated: April 9, 2010

ORRICK, HERRINGTON & SUTCLIFFE LLP

13  
14 By: \_\_\_\_\_ /s/ Sara E. Dionne  
Sara E. Dionne  
15 Attorneys for LUXOTTICA RETAIL NORTH  
16 AMERICA, INC. D/B/A LENS CRAFTERS,  
INC.

17 Dated: April 9, 2010

HOFFMAN & LAZEAR

18  
19 By: \_\_\_\_\_ /s/ Morgan M. Mack  
Morgan M. Mack  
20 Attorneys for Plaintiffs

21 Pursuant to General Order No. 45, I hereby attest that I have concurrence to file this  
22 stipulation from all parties whose signatures are indicated by a “conformed” signature (/s/) within  
23 this e-filed document.



24  
25 \_\_\_\_\_ /s/ Sara E. Dionne  
Sara E. Dionne