

RUDY EXELROD ZIEFF & LOWE LLP

351 CALIFORNIA STREET, SUITE 700

SAN FRANCISCO, CALIFORNIA 94104

PH (415) 434-9800 | FX (415) 434-0513 | www.rezlaw.com

1 STEVEN G. ZIEFF (SBN: 84222)
 sgz@rezlaw.com
 2 KENNETH J. SUGARMAN (SBN: 195059)
 kjs@rezlaw.com
 3 JOHN T. MULLAN (SBN: 221149)
 jtm@rezlaw.com
 4 RUDY, EXELROD, ZIEFF & LOWE, LLP
 5 351 California Street, Suite 700
 San Francisco, CA 94104
 6 Telephone: (415) 434-9800
 7 Facsimile: (415) 434-0513

8 ARTHUR A. NAVARETTE (SBN: 159973)
 navarettelaw@sbcglobal.net
 9 C. ZANE BECKER (SBN: 260908)
 brian@haweslawfirm.com
 10 NAVARETTE LAW FIRM
 11 1625 The Alameda, Suite 700
 San Jose, CA 95126
 12 Telephone: (408) 275-9500
 Facsimile: (408) 275-9131

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

17 ELAINE SABATINO, BETTY MATHIAS,
 18 and MARGOT REEMTS, individually and on
 behalf of all others similarly situated,

Case No. CV 09-4926 TEH

Plaintiffs,

CLASS ACTION

v.

21 WEIGHT WATCHERS NORTH AMERICA,
 22 INC.,

**STIPULATION AND [PROPOSED]
 ORDER RE FILING OF SECOND
 AMENDED COMPLAINT**

23 Defendant. _____ /

1 IT IS HEREBY STIPULATED by and between the parties hereto through their respective
 2 attorneys of record that Plaintiff may file a Second Amended Complaint, a copy of which is
 3 attached hereto. This stipulation is solely for purposes of effectuating the terms of the parties'
 4 proposed class action settlement as set forth in the parties' Joint Stipulation of Settlement and
 5 Release filed with the Court on the same date that this Stipulation is being filed and the status of
 6 the Second Amended Complaint as the operative complaint in this action is subject to the terms
 7 and conditions set forth Joint Stipulation of Settlement and Release. As set forth more
 8 specifically therein, upon the proposed settlement being denied preliminary or final approved, the
 9 First Amended Complaint filed in this action shall be the operative complaint, with the parties
 10 reserving rights as described in Joint Stipulation of Settlement and Release.

11 IT IS FURTHER STIPULATED that, because the parties have stipulated to the filing of
 12 Plaintiffs' Second Amended Complaint solely for purposes of effectuating the terms of the
 13 parties' proposed class action settlement, defendant Weight Watchers, Inc. shall not be required
 14 to file an answer or response to the Second Amended Complaint.

15 DATED: December 10, 2010 RUDY, EXELROD, ZIEFF & LOWE, LLP
 16
 17 By: /s/ Kenneth J. Sugarman
 18 KENNETH J. SUGARMAN
 19 Attorneys for Plaintiffs

20 DATED: December 10, 2010 GIBSON, DUNN & CRUTCHER LLP
 21
 22 By: /s/ Jesse A. Cripps, Jr.
 23 JESSE A. CRIPPS, JR.
 24 333 South Grand Avenue
 25 Los Angeles, California 90071
 26 Attorneys for Defendant

26 **IT IS SO ORDERED.**
 27 DATED: 12/13/10
 28

The Honorable Thelton
 United States District

