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10 Attorneys for Plaintiff Stephen Gales,  
 11 and all others similarly situated

12  
 13  
 14 UNITED STATES DISTRICT COURT  
 15 NORTHERN DISTRICT OF CALIFORNIA

16 STEPHEN GALES, on behalf of himself and all  
 17 others similarly situated,

18 Plaintiff,

19 vs.

20 WINCO FOODS, WINCO FOODS, LLC  
 21 and Does 1 through 50, inclusive,

22 Defendants.

No. 3:09-cv-05813-CRB

**STIPULATION TO CONTINUE TIME  
 WITHIN WHICH TO PARTICIPATE IN A  
 MEDIATION**

23  
 24 WHEREAS, the Court ordered the parties in the above-entitled case to participate in  
 25 mediation within 90 days from March 1, 2010, which date the Court continued on September 29,  
 26 2010, to January 22, 2011; and,

27 WHEREAS, the parties just recently completed the discovery necessary to present the  
 28 Court with a motion for class certification and WinCo Foods is not prepared to participate in

1 mediation until after the Court rules on class certification, the parties have not yet participated in a  
2 mediation;

3 IT IS HEREBY AGREED AND STIPULATED, by and between the parties hereto, as  
4 follows:

5 The parties agree to continue the mediation until after the Court rules on Plaintiff's motion  
6 for class certification. The parties therefore jointly request that the Court continue the time by  
7 which the parties have to participate in a mediation to a date following this Court's ruling  
8 Plaintiff's motion for class certification.

9 This stipulation may be executed in counterparts and a fax or e-mail attachment signatures  
10 shall be considered an original.

11 Date: January 18, 2011

QUALLS & WORKMAN, L.L.P.

13 By: /s/ Robin G. Workman  
14 Robin G. Workman  
15 Attorney for Plaintiff Stephen Gales  
and all others similarly situated

16 Dated: January 18, 2011

SEYFARTH SHAW, LLP

18 By: /s/ Alfred L. Sanderson, Jr.  
19 Alfred L. Sanderson, Jr.  
20 Attorney for Defendant, WinCo Foods, LLC

21 **ORDER**

22 Pursuant to the stipulation of the parties, and good cause appearing, **IT IS HEREBY**  
23 **ORDERED:**

24 The parties' request to continue the date by which they are to participate in a mediation to  
25 a date following this Court's ruling on Plaintiff's motion for class certification is hereby  
26 GRANTED.

27 Dated: Feb. 8, 2011

28 Honorable Charles R.  
United States District

