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21 Attorney for Defendant U.S. Foodservice, Inc.

22 UNITED STATES DISTRICT COURT FOR THE NORTHERN  
23 DISTRICT OF CALIFORNIA  
24 SAN FRANCISCO DIVISION

25 LORETTA DOWNS and D'ANDRE  
26 PARKER, individually and  
27 on behalf of all others similarly

Case No. 10-2163 EMC

**JOINT STIPULATION AND  
ORDER RESETTING CASE  
MANAGEMENT CONFERENCE  
FROM SEPTEMBER 9, 2010 TO  
SEPTEMBER 29, 2010 ; ORDER**

28 Plaintiffs,

v.

U.S. FOODSERVICE,  
INC.

Defendant.

1 ACKERMANN & TILAJEF, P.C.  
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1 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD:

2 Plaintiffs, Loretta Downs and D'Andre Parker (collectively "Plaintiffs"), by and through  
3 their undersigned attorneys, Ackermann & Tilajef, P.C., by Craig Ackermann, Esq., and  
4 Goldstein, Demchak, Baller, Borgen & Dardarian, by Morris Baller, Esq., and Defendant U.S.  
5 Foodservice, Inc. ("Defendant" or "U.S. Foodservice") by and through its attorneys of record,  
6 Winston & Strawn LLP, by Benjamin M. Gipson, Esq., hereby stipulate as follows:  
7

8 WHEREAS Plaintiffs filed the instant case in Alameda Superior Court on behalf of  
9 themselves and others similarly situated on April 9, 2010;

10 WHEREAS Defendant filed its Notice of Removal of Civil Action to Federal Court on  
11 May 19, 2010;

12 WHEREAS the Court, in its May 19, 2010 Order Setting Initial Case Management  
13 Conference and Deadlines, set the Case Management Conference for September 8, 2010 at 1:30  
14 p.m.;

15 WHEREAS the Court, in its July 27, 2010 Order, reset the Case Management Conference  
16 for September 9, 2010 at 2:30 p.m.;

17 WHEREAS the 9<sup>th</sup> and 10<sup>th</sup> of September, 2010 is the Jewish High Holiday of Rosh  
18 Hashanah;

19 WHEREAS some or all of Plaintiffs' counsel will be unable to attend a conference on the  
20 9<sup>th</sup> or 10<sup>th</sup> of September due to their observance of Rosh Hashanah;

21 WHEREAS Plaintiffs' lead counsel, Morris Baller, will be unavailable from September  
22 11, 2010 through September 27, 2010;

23 WHEREAS Plaintiffs request, and Defendant does not oppose, rescheduling the Case  
24 Management Conference to September 29, 2010, at 1:30 p.m.;

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WHEREAS the parties have agreed to confer pursuant to Rule 26(f) on August 16, 2010 to allow discovery to move forward while awaiting the September 29, 2010 Case Management Conference;

NOW, THEREFORE, the parties hereby stipulate and agree that the current Case Management Conference date of September 9, 2010 should be rescheduled to September 29, 2010, at 1:30 p.m..

It is so Stipulated and Agreed by:

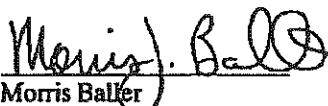
ACKERMANN & TILAJEF, P.C.

Date: 7/30/10

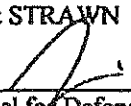
By:   
Craig J. Ackermann  
Counsel for Plaintiffs

GOLDSTEIN, DEMCHAK, BALLER, BORGEN & DARDARIAN

Date: 7/29/10

By:   
Morris Baller  
Counsel for Plaintiffs

Date: 7/30/10

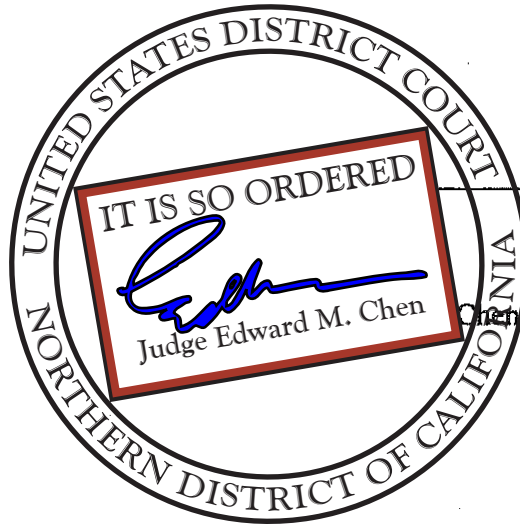
WINSTON & STRAWN LLP  
By:   
Counsel for Defendant

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ORDER

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3       GOOD CAUSE having been shown, the Court hereby vacates the Case Management  
4 Conference date of September 9, 2010 and resets the Case Management Conference for  
5 September 29, 2010, at 1:30 p.m..

6  
7 Joint CMC statement shall be filed  
8 by September 22, 2010.



**PROOF OF SERVICE**

Case: LORETTA DOWNS, et al. v. U.S. FOODSERVICE, INC., et al.  
Case No. 10-2163 EMC

STATE OF CALIFORNIA )  
 ) SS  
COUNTY OF ALAMEDA )

I have an office in the county aforesaid. I am over the age of eighteen years and not a party to the within entitled action. My business address is 300 Lakeside Drive, Suite 1000, Oakland, California 94612.

I declare that on the date hereof I served a copy of

**JOINT STIPULATION ANSD ORDER RESETTNG CASE MANAGEMENT  
CONFERENCE FROM SEPTEMBER 9, 2010 TO SEPTEMBER 29, 2010**

**DECLARATION OF CRAIG J ACKERMAN IN SUPPORT OF JOINT STIPULATION  
ANSD ORDER RESETTNG CASE MANAGEMENT CONFERENCE FROM  
SEPTEMBER 9, 2010 TO SEPTEMBER 29, 2010**


by causing a true copy thereof to be mailed by depositing the same in a sealed envelope in the U.S. mail with postage prepaid and addressed to:

Avi Melech Kreitenberg  
Julian Ari Hammond  
Kamber Law  
1180 South Beverly Drive, Suite 601  
Los Angeles, CA 90035

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed at Oakland, California on August 2, 2010.

SCOTT GIRING  
Printed Name

  
Signature