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| 7 | TI 1 1 D 1 (GDN 122000) | | |
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| 12 | Defendante? Commel | | |
| 13 | Defendants' Counsel | | |
| 14 | LINITED STATE | S DISTRICT COURT | |
| 15 | | DISTRICT OF CALIFORNIA | |
| 16 | DIANA ALEXANDER-JONES,) | | |
| 17 | individually and on behalf of all others | | |
| | similarly situated, | | |
| 18 | Plaintiff, | No. CV 10-3005 VRW | |
| 19 |) | STIPULATION TO SHORTEN TIME | |
| 20 | Vs.) | AND PROPOSED ORDER FOR BRIEF- ING SCHEDULE ON DEFENDANTS' | |
| 21 | WAL-MART STORES, INC., a Delaware | MOTION TO STAY PROCEEDINGS- | |
| 22 | Corporation; the Wal-Mart Retirement) Plans Committee; and JOHN/JANE DOES) | PENDING SUPREME COURT RULING IN RELATED ACTION | |
| 23 | 1-15, | IN RELATED ACTION | |
| |) Defendants | | |
| 24 | Defendants. | | |
| 25 | | ND (DD 000000) 000000 | |
| 26 | STIPULATION TO SHORTEN TIME AND [PROPOSED] ORDER FOR BRIEFING SCHEDULE ON DEFENDANTS' MOTION TO STAY PROCEEDINGS PENDING SU- | | |
| 27 | PREME COURT RULING IN RELATED ACTION | | |
| 28 | | | |
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STIPULATION TO SHORTEN TIME AND [PROPOSED] ORDER FOR BRIEFING SCHED-ULE ON DEFENDANTS' MOTION TO STAY PROCEEDINGS PENDING SUPREME COURT RULING IN RELATED ACTION, CASE NO. 3:10-CV-03005 (VRW)

Whereas, on July 8, 2010, Diana Alexander-Jones filed her Complaint for Violations of the Employee Retirement Income Security Act of 1974 (Doc # 1), which asserts ERISA claims against Wal-Mart Stores, Inc., the Walmart Retirement Plans Committee, and the Committee's members, who are named as John/Jane Does 1-15.

Whereas, by Order dated July 22, 2010, (Doc #. 7), this Court found that the present action is related to the case *Dukes v. Wal-Mart Stores, Inc.*, Case No. CV 01-2252 VRW (EMC) (hereafter, "*Dukes*"), as defined by Civil Local Rule 3-12(a).

Whereas, on December 6, 2010, the Supreme Court granted Walmart's petition for a writ of *certiorari* in *Dukes*;

Whereas, by Orders of May 14, 2010, September 17, 2010 and December 23, 2010 (Doc ## 712, 724 and 728 in *Dukes*), this Court has now stayed all proceedings in *Dukes* until the earlier of: the date of the Supreme Court's decision on Walmart's appeal in that case, or August 26, 2011.

Whereas, by Orders of August 25, 2010 (Doc # 22) and September 23, 2010 (Doc # 34) this Court has stayed all proceedings in this case until the earlier of 30 days after the Supreme Court's ruling on Walmart's petition for a writ of *certiorari* in *Dukes* or December 30, 2010;

Whereas, Defendants herein have moved for entry of an order that would impose a comparable stay in this related case as that entered on December 23, 2010 in *Dukes*;

Whereas, Civil Local Rule 7-2(a) requires that a motion be noticed for a date not less than 35 days after service of the motion; and

Whereas the Parties herein have agreed to shorten the time for hearing and have agreed that Defendants' motion may be briefed on the following timetable; and

Whereas, the Parties herein further agree, that in the event that this Court declines to grant the stay of this action as requested by Defendants, Defendants' date to answer or otherwise respond to the Complaint should be set no sooner than sixty (60) days from the date of such a ruling by the Court;

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| 8 | | Counsel for Plaintiff |
| 9 | | ounsel for Framith |
| 9 | Dated: December 28, 2010 B | y: /s/ Theodore J. Boutrous, Jr. |
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| | STIPULATION TO SHORTEN TIME AND | [PROPOSED] ORDER FOR BRIEFING SCHED- |

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Counsel for Defendants

I, Morgan D. Hodgson, attest that concurrence in the filing of this document has been obtained from each of the other signatories.

PURSUANT TO THE STIPULATION OF THE PARTIES,

- Plaintiff's opposition to Defendants' Motion shall be filed on or before January 7,
 2011 and Defendants' reply shall be filed on or before January 14, 2011;
- 2. In the event that Defendants' motion to stay proceedings is denied, Defendants' obligation to answer or otherwise respond to the Complaint shall be set to a date no sooner than sixty days after such denial by the Court.

IT IS SO ORDERED.

Dated: <u>12/29/10</u>, 2011

H H Judge Vaughn R Walker Week Judge Vaughn R Walker Week Judge Vaughn R Walker

STIPULATION TO SHORTEN TIME AND [PROPER FOR BRIEFING SCHED-ULE ON DEFENDANTS' MOTION TO STAY PROCEEDINGS PENDING SUPREME COURT RULING IN RELATED ACTION, CASE NO. 3:10-CV-03005 (VRW)