

1 WILLIAM J. FLYNN (STATE BAR NO. 95371)  
 EILEEN M. BISSEN (STATE BAR NO. 245821)  
 2 NEYHART, ANDERSON, FLYNN & GROSBOLL  
 369 Pine Street, Suite 800  
 3 San Francisco, CA 94104-3323  
 Telephone: (415) 677-9440  
 4 Facsimile: (415) 677-9445

5 Attorneys for Plaintiffs  
 FRANCESCA JOHNSON AND WANDA DROUILLARD

7 TIMOTHY J. LONG (STATE BAR NO. 137591)  
 MICHAEL D. WEIL (STATE BAR NO. 209056)  
 8 mweil@orrick.com  
 ORRICK, HERRINGTON & SUTCLIFFE LLP  
 9 The Orrick Building  
 405 Howard Street  
 10 San Francisco, CA 94105-2669  
 Telephone: (415) 773-5700  
 11 Facsimile: (415) 773-5759

12 Attorneys for Defendants  
 CVS PHARMACY, INC. AND CVS RX SERVICES, INC.

14 UNITED STATES DISTRICT COURT  
 15 NORTHERN DISTRICT OF CALIFORNIA

17 FRANCESCA JOHNSON and WANDA  
 DROUILLARD,

18 Plaintiffs,

19 v.

20 CVS PHARMACY, INC., a Rhode Island  
 21 corporation; CVS RX SERVICES, INC., a  
 New York corporation; and DOES I through  
 22 X, inclusive,

23 Defendants.

CASE NO. 10-CV-03232 WHA

**STIPULATION AND ~~PROPOSED~~  
 ORDER REFERRING CASE TO  
 SETTLEMENT CONFERENCE**

Judge: Hon. William Alsup

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**STIPULATION**

In the interest of trying to resolve this matter before trial, FRANCESCA JOHNSON and WANDA DROUILLARD (“Plaintiffs”) and CVS PHARMACY, INC., a Rhode Island corporation; and CVS RX SERVICES, INC., a New York corporation (“Defendants”) (hereinafter referred to collectively as “the parties”), respectfully request a referral to a magistrate judge for purposes of a settlement conference. The parties hereby submit the following stipulation and, good cause appearing, move this Court to approve the Stipulation referring this case to settlement conference before a magistrate judge before trial.

1. WHEREAS the parties participated in a mediation on or around February 1, 2011 with Patricia J. Kenney that proved unsuccessful;
2. WHEREAS Judge Alsup’s October 11, 2011 Order Granting In Part and Denying In Part Defendants’ Motion for Summary Judgment disposed of some of Plaintiffs’ claims while preserving others for trial;
3. WHEREAS the trial in this case is set to begin on November 21, 2011;
4. WHEREAS the parties are optimistic that a settlement conference before a magistrate judge may break the deadlock between the parties and result in settlement, thereby negating the need for a trial in this case;
5. WHEREAS any settlement of this case prior to trial will serve the interest of judicial economy;

**THE PARTIES, THROUGH COUNSEL OF RECORD, HEREBY STIPULATE AS FOLLOWS:**

This case shall be referred by this Court to a magistrate judge for purposes of settlement conference at the earliest possible date (except for October 21, 2011 on which date defense counsel has a hearing in San Jose on another matter).

1 Dated: October 17, 2011

TIMOTHY J. LONG  
MICHAEL D. WEIL  
Orrick, Herrington & Sutcliffe LLP

2

3

/s/ Michael D. Weil

4

MICHAEL D. WEIL  
Attorneys for Defendants

5

6

WILLIAM J. FLYNN  
EILEEN M. BISSEN  
Neyhart, Anderson, Flynn & Grosboll

7

8

9

/s/ Eileen M. Bissen

10

EILEEN M. BISSEN  
Attorneys for Plaintiffs

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

I hereby attest that the concurrence in the filing of this document has been obtained from  
Michael D. Weil, Attorney for Defendants.

/s/ Eileen M. Bissen  
Eileen M. Bissen

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

~~PROPOSED~~ ORDER

Pursuant to the parties' Stipulation above, this case is ordered to settlement conference before Magistrate Judge Ryu. The settlement conference shall take place on or before October 31, 2011.

Dated: October 18, 2011.



---

William Alsup  
UNITED STATES DISTRICT JUDGE