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Attorneys for Plaintiffs and the Proposed Class

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

DEE HENSLEY-MACLEAN and SARA
DUNCAN, on behalf of themselves and all
others similarly situated,

Plaintiffs,

vs.

SAFEWAY INC.,

Defendants.

Case No. 3:11-CV-01230 RS

CLASS ACTION

**STIPULATION AND [~~PROPOSED~~]
ORDER RE BRIEFING SCHEDULE FOR
COURT-ORDERED MOTION FOR
PARTIAL SUMMARY JUDGMENT**

Judge: Hon. Richard Seeborg
Dept.: 3 - 17th floor

1 Pursuant to this Court's minute order dated September 19, 2013 (Dkt. 103), Plaintiffs and
2 Safeway Inc. ("Safeway") present this Stipulation and [Proposed] Order re Briefing Schedule For
3 Court-Ordered Motion for Partial Summary Judgment ("Motion"). The parties advise the Court
4 that they continue to have a dispute regarding whether or not Plaintiffs are entitled to discovery
5 with respect to the Motion, but have jointly agreed not to delay the filing of this Stipulation on the
6 basis of such dispute. As necessary, this issue may be raised with this Court at a later time.

7 After extensive meeting and conferring, the parties have agreed upon a briefing schedule
8 for the Motion which is set forth below. The parties have attempted to accommodate the Court's
9 observations regarding timing of the Motion's briefing schedule made during the class certification
10 hearing on September 19, and have worked to accommodate the professional and personal
11 commitments of counsel and especially the upcoming holiday season.

12 **Therefore, the Parties jointly submit**, for the Court's approval, the following proposed
13 briefing schedule:

- 14 1. **Deadline to file Motion.** Safeway shall file its Motion by November 18, 2013.
- 15 2. **Deadline to file Opposition to Motion.** Plaintiffs shall file their Opposition to the
16 Motion by January 31, 2014.
- 17 3. **Deadline to file Reply in Support of Motion.** Safeway shall file its Reply in
18 Support of its Motion by March 7, 2014.
- 19 4. **Hearing on Motion.** The hearing on the Motion shall be scheduled for March 27,
20 2014, at 1:30 p.m.

21 **Dated:** October 18, 2013

22 Respectfully submitted,

23 **Center for Science in the Public Interest**

Robinson & Wood, Inc.

24 /s/ Stephen Gardner

/s/ Gabriel G. Gregg

25 Stephen Gardner
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PURSUANT TO STIPULATION, IT IS SO ORDERED:

Dated: October 18, 2013


RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE

ATTESTATION CLAUSE

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I, Gabriel G. Gregg, hereby attest in accordance with General Order 45.X that Stephen Gardner, counsel for Plaintiffs Hensley-Maclean and Duncan, provided his concurrence with the electronic filing of the foregoing document entitled

Dated: October 18, 2013

ROBINSON & WOOD, INC.

By: /s/ Gabriel G. Gregg

JESSE F. RUIZ

GABRIEL G. GREGG

Attorneys for Defendant

SAFEWAY INC.