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12 *Counsel for Plaintiffs and the Proposed Class*

13 UNITED STATES DISTRICT COURT  
 14 NORTHERN DISTRICT OF CALIFORNIA  
 15 SAN FRANCISCO DIVISION

16 DEE HENSLEY-MACLEAN and )  
 17 SARA DUNCAN, on behalf of )  
 18 themselves and those similarly situated, )  
 19 Plaintiffs, )  
 20 v. )  
 21 SAFEWAY, INC. and DOES 1-20, )  
 22 Defendants. )  
 23 )  
 24 )  
 25 )

Case No. CV 11-01230 RS

~~[PROPOSED]~~ **STIPULATED ORDER  
 FOR EXTENSION OF THE CLASS  
 CERTIFICATION SCHEDULE**

26 The parties respectfully file this Proposed Stipulated Motion for Extension of the Class  
 27 Certification Schedule.

28 On October 20, 2014, this Court entered an Order titled Stipulation re Revised Joint  
 [Proposed] Schedule for Class Certification (“Order”) (Dkt. No. 147). The Order set a briefing  
 schedule on Plaintiffs’ motion for class certification, requiring Plaintiffs opening brief to be filed  
 on or before January 8, 2015, and a hearing date of June 11, 2015.

The Order stated that all discovery regarding Plaintiffs’ motion for class certification  
 should be completed by December 19, 2014. The Order also required the parties to “meet and

1 confer in good faith on outstanding discovery issues regarding Plaintiffs' motion for class  
2 certification so that, on or before November 14, 2014, they will present to the Court any issues that  
3 remain unresolved." Safeway served objections and responses to Plaintiffs' requests for admission  
4 and a Rule 30(b)(6) deposition notice on November 11, 2014; objections and responses to  
5 Plaintiffs' requests for production on November 13, 2014; and objections and response to  
6 Plaintiffs' interrogatories on November 14, 2014. Although Safeway's document request  
7 responses state that it will produce responsive documents, but Safeway has yet to produce any  
8 documents.

9           On November 14, 2014, per the Court's order the parties filed a Joint Case Status Report, in  
10 which Plaintiffs explained that they had reached an impasse on several discovery issues (Dkt. No.  
11 148). This Court entered an order stating that any discovery disputes should be presented to the  
12 assigned magistrate judge, and that "[i]f further relief from the class certification briefing schedule  
13 or other case management deadlines becomes necessary, the parties may proceed by stipulation or  
14 motion presented to the undersigned." (Dkt. No. 149).

15           Plaintiffs filed a motion to compel regarding their Rule 30(b)(6) deposition notice on  
16 December 8, 2014 (Dkt. No. 152). Plaintiffs asked the Court to overrule Safeway's objections to  
17 providing testimony regarding its recall policies, practices and procedures, and not just concerning  
18 recalls of eggs and peanut butter products; and its objections to providing testimony on the "Just  
19 for U" program, which Safeway uses to communicate directly with customers on their  
20 smartphones. On December 16, 2014, the Court granted Plaintiffs' motion, overruling Safeway's  
21 objections on all of the substantive topics on which Safeway refused to provide testimony, and  
22 ordered Safeway to produce witnesses to testify within 30 days from the date of its Order, *i.e.*,  
23 January 15, 2015 (Dkt. No. 153).

24           Given the Court's order setting a new deadline for Safeway to designate and produce its  
25 corporate designees for deposition, the parties request that the Court remove the discovery deadline  
26

1 and extend Plaintiffs' time to file their opening brief in support of class certification to **February**  
2 **26, 2015**; Safeway's opposition brief should be filed no later than **March 19, 2015**; and Plaintiffs'  
3 reply brief, if any, should be filed no later than **April 9, 2015**. The parties propose that the hearing  
4 date be maintained as **June 11, 2015**.

5 Respectfully submitted,

6  
7 CONSUMER LAW PRACTICE  
OF DANIEL T. LABEL

ARNOLD & PORTER LLP

8  
9 By: /s/ Daniel T. LeBel  
Attorney for Plaintiffs

By: /s/ Trenton H. Norris  
Attorney for Defendant  
SAFEWAY INC.

10  
11 **ATTESTATION**

12 I hereby attest that I have obtained the concurrence in the filing of this document from each  
13 of the signatories on this e-filed document.

14 Dated: December 19, 2014

CONSUMER PRACTICE  
OF DANIEL T. LABEL

15  
16 By: /s/ Daniel T. LeBel

17 **PURSUANT TO STIPULATION IT IS SO ORDERED.**

18  
19 Dated: 12/19/14

  
HON. RICHARD SEEBORG  
U.S.D.J.