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13 Attorneys for Defendant
 14 SAFEWAY INC.

15 UNITED STATES DISTRICT COURT
 16 NORTHERN DISTRICT OF CALIFORNIA
 17 SAN FRANCISCO DIVISION

18 DEE HENSLEY-MACLEAN, et al.,

19 Plaintiffs,

20 vs.

21 SAFEWAY INC., et al,

22 Defendant.

Case No.: 11-01230 RS

CLASS ACTION

**JOINT STIPULATION AND ~~PROPOSED~~
 ORDER EXTENDING THE BRIEFING
 SCHEDULES FOR DEFENDANT'S
 MOTION TO DISMISS AND MOTION
 FOR SUMMARY JUDGMENT AND
 PLAINTIFFS' MOTION FOR CLASS
 CERTIFICATION**

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

26 Pursuant to Civil Local Rule 6-2, the parties respectfully submit this Joint Stipulation and
 27 [Proposed] Order Extending the Briefing Schedules for Defendant's Motion to Dismiss and Motion
 28 for Summary Judgment and Plaintiffs' Motion for Class Certification.

1 On December 22, 2014, the Court entered a Stipulated Order extending the class
2 certification schedule to allow additional time for discovery (Dkt. #158). Pursuant to that order,
3 Plaintiffs' motion for class certification is currently due on February 26, 2015, Safeway's
4 opposition is due on March 19, 2015, Plaintiffs' reply is due on April 9, 2015, and the hearing is
5 scheduled for June 11, 2015 at 1:30 p.m.

6 On January 26, 2015, Safeway filed its Motion to Dismiss and Motion for Summary
7 Judgment (Dkt. # 165), which challenges Plaintiffs' standing to bring this suit. Plaintiffs'
8 opposition is currently due February 9, 2015, Safeway's reply is due February 17, 2015, and the
9 hearing is currently scheduled for March 19, 2015 at 1:30 p.m.

10 The parties propose that Safeway's Motion to Dismiss and Motion for Summary Judgment
11 be resolved prior to Plaintiffs bringing any Motion for Class Certification since the motion raises
12 the issue of whether Plaintiffs have standing and thus whether this Court has jurisdiction over this
13 suit. Plaintiffs also requests additional time to respond to Safeway's Motion to Dismiss and Motion
14 for Summary Judgment, including to complete depositions already planned and to conduct
15 discovery targeted at the issues raised in Safeway's standing arguments, specifically, whether the 6
16 count packages of Lucerne eggs purchased by one of the named Plaintiffs was exempt from the
17 2010 egg recall. Accordingly, the parties propose and stipulate to extend the foregoing schedule as
18 follows:

19 1. **Safeway's Motion to Dismiss and Motion for Summary Judgment.**

- 20 a) Plaintiffs' opposition due February 23, 2015.
21 b) Safeway's reply due March 9, 2015.
22 c) Hearing set for April 30, 2015 at 1:30 p.m.

23 2. **Plaintiffs' Motion for Class Certification.**

- 24 a) Plaintiffs' motion for class certification, if necessary, to be due twenty days after the
25 Court issues an order ruling on Safeway's Motion to Dismiss and Motion for
26 Summary Judgment.
27 b) Safeway's opposition due within 28 days of Plaintiffs' motion.
28 c) Plaintiffs' reply due within 14 days of Safeway's opposition.

1 d) Hearing set for the first available hearing date following Plaintiffs' reply or at the
2 date most convenient to the Court.

3 The parties further stipulate and agree that until an order is issued on Safeway's Motion to
4 Dismiss and Motion for Summary Judgment, discovery shall be limited to and narrowly tailored to
5 address issues raised by Safeway's Motion to Dismiss and Motion for Summary Judgment.

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7 Respectfully submitted,

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9 STANLEY LAW GROUP

ARNOLD & PORTER LLP

10
11 By: /s/ Stephen Gardner
12 Stephen Gardner
Attorneys for Plaintiffs

By: /s/ Monty Agarwal
Monty Agarwal
Attorneys for Defendant
SAFEWAY INC.

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16 **ATTESTATION**

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

19 Dated: February 9, 2015

ARNOLD & PORTER LLP

20
21 By: /s/ Monty Agarwal
22 Monty Agarwal

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

24
25 Dated: 2/10/2015


26 HON. RICHARD SEEBORG
27 UNITED STATES DISTRICT COURT JUDGE
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