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 SAFEWAY INC.

14
 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

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 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 January 26, 2015, Safeway filed its Motion to Dismiss and Motion for Summary
2 Judgment (Dkt. # 165)(“Defendant’s Motion”), which challenges Plaintiffs’ standing to bring this
3 suit. On February 10, 2015, the Court entered the parties’ stipulation extending the briefing
4 schedule for Defendant’s Motion and providing that briefing on Plaintiffs’ Motion for Class
5 Certification would trail the Court’s ruling on Defendant’s Motion. Although both parties approved
6 the prior stipulation, Plaintiffs inadvertently agreed to incorrect dates. Plaintiffs have indicated that
7 they will be sending subpoenas to two non-parties for discovery and will need additional time to do so.
8 Moreover, in the prior stipulation, the parties requested a hearing date of April 30, 2015. The
9 Court, however, has set the hearing for Defendant’s Motion for May 14, 2015, a date on which
10 counsel for Defendant is regrettably unavailable. The parties now propose the following
11 modifications to the Court’s prior schedule:

12 **Defendant’s Motion to Dismiss and Motion for Summary Judgment.**

- 13 (1) Plaintiffs’ Opposition due on March 26, 2015;
14 (2) Defendant’s Reply due April 23, 2015;
15 (3) Hearing on May 21, 2015, subject to the Court’s availability.

16 **Plaintiffs’ Motion for Class Certification.**

- 17 (1) Plaintiffs’ motion for class certification, if necessary, to be due twenty days after the
18 Court issues an order ruling on Safeway’s Motion to Dismiss and Motion for Summary
19 Judgment.
20 (2) Safeway’s opposition due within 21 days of Plaintiffs’ motion.
21 (3) Plaintiffs’ reply due within 21 days of Safeway’s opposition.
22 (4) Hearing set for the first available hearing date following Plaintiffs’ reply or at the date
23 most convenient to the Court.

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25 **IT IS SO STIPULATED**

26 Respectfully submitted,
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1 STANLEY LAW GROUP

ARNOLD & PORTER LLP

2 By: /s/ Stephen Gardner
3 Stephen Gardner
4 Attorneys for Plaintiffs

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

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7 **ATTESTATION**

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

10 Dated: February 13, 2015

ARNOLD & PORTER LLP

11
12 By: /s/ Monty Agarwal
13 Monty Agarwal

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

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17 Dated: 2/13/2015


18 HON. RICHARD SEEBORG
19 UNITED STATES DISTRICT COURT JUDGE