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10 **Attorneys for Defendant**
 11 **Safeway Inc.**

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

15 **MARTHA SMITH and ELEANOR**)
 16 **TATE** on behalf of themselves and)
 all others similarly situated,)
 17 **Plaintiffs,**)
 18 v.)
 19 **SAFeway INC.,**)
 20 Defendant.)

Case No. 3:11-cv-01230-RS

STIPULATION AND ~~(PROPOSED)~~
ORDER RESETTING HEARING ON
MOTION TO DISMISS

 Date: September 3, 2015
 Time: 1:30 p.m.
 Place: Courtroom 3, 17th Floor
 Judge: Hon. Richard Seeborg

21 Pursuant to Civil Local Rule 6-2, the parties respectfully submit this Stipulation and
 22 Proposed Order resetting the briefing deadlines and hearing date on Defendant Safeway
 23 Inc.'s Motion to Dismiss (Doc. 195, "Safeway Motion").

24 The current briefing schedule conflicts with vacations of two of Plaintiffs' counsel. If
 25 the Court agrees with the proposed schedule, the parties also propose to reset the hearing
 26 by one week, to allow the Court time to review the completed briefing prior to the hearing.
 27 The Court should be aware that the new proposed schedule provides Defendant's counsel
 28

1 an additional few days to reply, as compared to the regular briefing schedule, to
2 accommodate one of Defendant's counsel's vacation plans in light of Plaintiff's request to
3 continue the schedule. The parties therefor propose the following schedule.

4 **Safeway Motion**

- 5 1. Plaintiffs' opposition to the Safeway Motion is due by August 17, 2015.
- 6 2. Safeway's reply in support of its Motion is due by August 28, 2015.
- 7 3. Hearing on the Safeway Motion set for September 10, 2015, subject to the
8 Court's availability.

9 Respectfully submitted,

10 **STANLEY LAW GROUP**

ARNOLD & PORTER LLP

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13 By: /s/ Stephen Gardner
14 Stephen Gardner
Attorneys for Plaintiffs
Martha Smith and Eleanor Tate

By: /s/ Monty Agarwal
Monty Agarwal
Attorneys for Defendant
Safeway, Inc.

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

18 Hearing on the Safeway Motion will be held at 1:30 p.m. on September 10, 2015.

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21 Dated: 7/27/15


RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE