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18 **Attorneys for Defendant**
 19 **Safeway Inc.**

20 UNITED STATES DISTRICT COURT
 21 NORTHERN DISTRICT OF CALIFORNIA
 22 SAN FRANCISCO DIVISION

23 **MARTHA SMITH and ELEANOR**)
 24 **TATE on behalf of themselves and**)
 25 **all others similarly situated,**)

26 **Plaintiffs,**)

27 v.)

28 **SAFEWAY, INC.,**)

Defendant.)

Case No. 4:11-cv-01230-RS

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

Date: September 10, 2015
 Time: 1:30 p.m.
 Place: Courtroom 3, 17th Floor
 Judge: Hon. Richard Seeborg

1 Pursuant to Civil Local Rule 6-2, the parties respectfully submit this Stipulation and
2 Proposed Order resetting Defendant Safeway's reply briefing deadline and the hearing
3 date on Defendant Safeway Inc.'s Motion to Dismiss (Dkt. # 195).

4 The Court currently has before it Defendant Safeway's Motion to Dismiss Plaintiffs'
5 Second Amended Complaint. Safeway filed the motion on July 20, 2015. (Dkt # 195). On
6 July 27, 2015, for the purposes of accommodating vacation schedules, the parties
7 stipulated, and the Court ordered, a revised briefing schedule and hearing date. (Dkt. #
8 197). Pursuant to the revised schedule, Plaintiffs filed their response to Safeway's motion
9 on August 17, 2015. (Dkt. # 198). Safeway's reply brief is currently due on August 28, 2015
10 and the hearing is set for September 10, 2015. (Dkt # 197)

11 The parties have agreed to participate in mediation before JAMS in Washington DC
12 on October 1, 2015, the earliest date available by the selected mediator that also worked for
13 all parties and counsel, and accordingly ask the Court to extend the time for Safeway to
14 file its reply brief from August 28, 2015 to October 16, 2015 and to extend, subject to the
15 Court's availability, the hearing from September 10, 2015 to November 5, 2015. This will
16 allow the parties to complete the mediation process and will reduce unnecessary time and
17 expense for the parties and the Court if a resolution is achieved.

18 Accordingly, the parties propose the following schedule and respectfully request
19 that the Court reset the briefing and hearing dates as follows.


20 **Safeway Motion to Dismiss (Dkt. # 195)**

- 21 1. Safeway's reply in support of its Motion is due by October 16, 2015, instead
22 of by August 28, 2015.
- 23 2. Hearing on the Safeway Motion to be set for November 5, 2015, subject to the
24 Court's availability, instead of September 10, 2015.

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26 Respectfully submitted,

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MEHRI & SKALET, PLLC

By: 
Steven A. Skalet
Attorneys for Plaintiffs
Martha Smith and Eleanor Tate

ARNOLD & PORTER LLP

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

PURSUANT TO STIPULATION, AND FOR GOOD CAUSE SHOWN, IT IS SO
ORDERED.

Safeway's reply in support of its Motion is due by October 16, 2015. Hearing on the
Safeway Motion will be held at 1:30 p.m. on November 5, 2015.

Dated: 8/27/15


RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE