

ROBINSON & WOOD, INC.
ATTORNEYS AT LAW

1 JESSE F. RUIZ [SBN. 77984]
jfr@robinsonwood.com
2 GABRIEL G. GREGG [SBN. 187333]
ggg@robinsonwood.com
3 ROBINSON & WOOD, INC.
227 N 1st Street
4 San Jose, California 95113
Telephone: (408) 298-7120
5 Facsimile: (408) 298-0477

6 Attorneys for Defendant
SAFEWAY INC.
7
8 Stephen H. Gardner (Pro Hac Vice)
Steve@consumerhelper.com
Center for Science in the Public Interest
9 5646 Milton Street, Suite 211
Dallas, TX 75206
10 Telephone: (214) 827-2774
Facsimile: (214) 827-2787

11 Attorneys for Plaintiffs and the Proposed Class
12

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

16 DEE HENSLEY-MACLEAN and JENNIFER
ROSEN, on behalf of themselves and all
17 others similarly situated,
18 Plaintiffs,
19 vs.
20 SAFEWAY INC. and DOES ONE through
TWENTY, inclusive,
21 Defendants.
22

Case No. 3:11-CV-01230 RS

CLASS ACTION

**STIPULATION RE REVISED JOINT
PROPOSED SCHEDULE FOR CLASS
CERTIFICATION**

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

23 Pursuant to Civil Local Rule 6-2, the parties respectfully submit this Stipulation re Revised
24 Joint Proposed Briefing Schedule for Class Certification in this action which modifies the Court's
25 previous Order re Joint Briefing Schedule for Class Certification (Doc. 57). As set forth in the
26 accompanying Declaration of Jesse F. Ruiz, the parties held a full day of mediation before Martin
27 Quinn, Esq. of JAMS on April 24, 2012. The parties continue to work with Mr. Quinn in hope of
28 resolving this litigation. The mutually-agreeable revised briefing schedule set forth in this

1 Stipulation will provide the parties the time to continue and complete the mediation process in
2 good faith without the complication and imposition of immediate scheduling obligations in this
3 action.

4 1. **Class Certification.** Plaintiffs' class certification motion pursuant to Federal Rule
5 of Civil Procedure 23 shall be filed with an opening brief on or before August 13, 2012.
6 Defendant's opposition brief shall be filed no later than 45 days after filing of the motion.
7 Plaintiffs' reply brief shall be filed no later than 45 days after filing of the opposition brief. After
8 the Court rules on class certification, the parties will submit proposed dates for merits discovery,
9 dispositive motions, and trial.

10 2. **Hearing on Class Certification.** Hearing on the class certification motion will be
11 set for December ~~14~~¹³, 2012 at 1:30 p.m.

12 3. **Experts and Discovery.** As required by Fed. R. Civ. P. 26(a)(2), reports from
13 experts retained relating to class certification are due from the plaintiffs by August 13, 2012, and
14 from defendant by September 27, 2012. Reports from rebuttal experts retained relating to class
15 certification are due by November 19, 2012. The parties will serve all discovery requests relating
16 to class certification so as to be completed by October 31, 2012, however, for good cause shown, a
17 party may conduct class discovery solely relating to rebuttal expert reports after October 31, 2012.

18 **Dated:** May 22, 2012

19 Respectfully submitted,

20 **Center for Science in the Public Interest**

Robinson & Wood, Inc.

21 /s/ Stephen Gardner

/s/ Gabriel G. Gregg

22 Stephen Gardner
23 Seema Rattan
24 5646 Milton Street, Suite 211
25 Dallas, TX 85206
Telephone: (214) 827-2774
Facsimile: (214) 827-2787

Jesse F. Ruiz
Gabriel G. Gregg
227 N. 1st Street
San Jose, CA 95113
Telephone: (408) 298-7120
Facsimile: (408) 298-0477

26 Consumer Law Practice of Daniel T. LeBel
27 Daniel T. LeBel
28 601 Van Ness Avenue
Opera Plaza, Suite 2080

1 San Francisco, CA 94102

2

3 -and-

4 Steven A. Skalet
5 Craig L. Briskin
6 Mehri & Skalet, PLLC
7 1250 Connecticut Ave., NW, Suite 300
8 Washington, DC 20036
9 Telephone: (202) 822-5100
10 Facsimile: (202) 822-4997

8

-and-

9

10 Whitney Stark
11 Rukin Hyland Doria & Tindall LLP
12 100 Pine Street, Suite 2150
13 San Francisco, CA 94111
14 Telephone: (415) 421-1800
15 Facsimile: (415) 421-1700

13

-and-

14 James C. Sturdevant
15 The Sturdevant Law Firm
16 354 Pine Street, Fourth Floor
17 San Francisco, CA 94104
18 Telephone: (415) 477-2410
19 Facsimile: (415) 477-2420

17

18

* * * * *

19 **PURSUANT TO STIPULATION IT IS SO ORDERED:**

20

21 Dated: May 22, 2012



RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE

22

23

24

25

26

27

28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ATTESTATION CLAUSE

I, Gabriel G. Gregg, hereby attest in accordance with General Order 45.X that Stephen Gardner, counsel for Plaintiffs Hensley-Maclean and Rosen, provided his concurrence with the electronic filing of the foregoing document entitled STIPULATION RE REVISED JOINT PROPOSED SCHEDULE FOR CLASS CERTIFICATION.

Dated: May 22, 2012

ROBINSON & WOOD, INC.

By: /s/ Gabriel G. Gregg

JESSE F. RUIZ

GABRIEL G. GREGG

Attorneys for Defendant

SAFEWAY INC.