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17 UNITED STATES DISTRICT COURT
 18 NORTHERN DISTRICT OF CALIFORNIA
 19 SAN FRANCISCO DIVISION

20 DEE HENSLEY-MACLEAN and)	Case No. CV 11-01230 RS
21 JENNIFER ROSEN, on behalf of)	
22 themselves and those similarly)	STIPULATION RE
23 situated,)	JOINT PROPOSED BRIEFING
24 Plaintiffs,)	SCHEDULE FOR
25)	CLASS CERTIFICATION
26 v.)	(REVISED)
27)	
28 SAFEWAY, INC. and DOES 1-20,)	
Defendants.)	

21 Pursuant to the Civil Local Rule 6-2, the parties respectfully submit this Stipulation
 22 re Revised Joint Proposed Briefing Schedule for Class Certification which modifies the
 23 Court’s previous Order re Revised Joint Briefing Schedule for Class Certification (Doc.
 24 60). As set forth in the accompanying Declaration of Stephen Gardner, the parties have
 25 engaged in mediation of this action, and continue to work with Martin Quinn, Esq. of
 26 JAMS. Mr. Quinn underwent surgery in July, and as a consequence was unavailable until

27 **STIPULATION RE JOINT PROPOSED BRIEFING SCHEDULE FOR CLASS CERTIFICATION**
 28 **(REVISED)**

Case No. CV 11-01230 RS

1 early August. In the interim, the parties made positive progress on key issues in dispute
2 and major milestones in the settlement have been reached. Now that Mr. Quinn has
3 returned, discussions are on track, and the parties wish to continue working together
4 toward a positive and mutually agreeable resolution. Thus, the parties propose
5 postponing class certification briefing in order to continue refining and finalizing the
6 terms of a potential settlement agreement. The agreed proposed briefing schedule set
7 forth in this Stipulation will provide the parties sufficient time to continue mediation in
8 good faith without the complication and imposition of immediate scheduling obligations
9 in this action.
10

11 1. **Class Certification.** Plaintiffs' class certification motion pursuant to Federal
12 Rule of Civil Procedure 23 shall be filed with an opening brief on or before October 16,
13 2012. Defendant's opposition brief shall be filed no later than 45 days after filing of the
14 motion. Plaintiffs' reply brief shall be filed no later than 45 days after filing of the
15 opposition brief. After the Court rules on class certification, the parties will submit
16 proposed dates for merits discovery, dispositive motions, and trial.
17

18 2. **Hearing on Class Certification.** Hearing on the class certification motion
19 will be set for February 14, 2013, at 1:30 p.m.
20

21 3. **Experts and Discovery.** As required by Fed. R. Civ. P. 26(a)(2), reports from
22 experts retained relating to class certification are due from the plaintiffs by October 16,
23 2012, and from defendant by November 30, 2012. Reports from rebuttal experts retained
24 relating to class certification are due by January 14, 2013. The parties will serve all
25 discovery requests relating to class certification so as to be completed by January 14, 2013.
26 However, for good cause shown, a party may conduct class discovery solely relating to
27 rebuttal expert reports after January 14, 2013.
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1 As attested on the following page, concurrence in the filing of this document has
2 been obtained from the other Signatory.

3
4 Dated: August 8, 2012

5 Respectfully submitted,

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

Robinson & Wood, Inc.

7 /s/ Stephen Gardner
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Counsel for Plaintiffs and the Proposed Class

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2 **PURSUANT TO STIPULATION IT IS SO ORDERED:**
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5 Dated: August 9, 2012
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7 JUDGE
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RICHARD SEEBORG
UNITED STATES DISTRICT