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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
(SECOND REVISION)**

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, in part, the
25 Court's previous Order re Joint Briefing Schedule for Class Certification (Dkt. 62).

26 As set forth in the accompanying Declaration of Gabriel G. Gregg, the plaintiffs filed
27 papers associated with their Motion for Class Certification on October 16, 2012. In connection
28 with Safeway Inc.'s ("Safeway") opposition to this motion, the parties have encountered certain

1 discovery issues which they now agree compels them to seek a (likely final) stipulation requesting
2 an extension of the remaining briefing schedule and rescheduling of this Court's hearing date re
3 class certification.

4 First, on October 22, 2012, Safeway served written discovery concerning class certification
5 on the two proposed class representatives. Safeway had previously propounded written discovery
6 earlier this year, however, that set was placed on hold pending the parties' mediation efforts and
7 settlement discussions. Plaintiffs have attempted to expedite their responses to both sets of written
8 discovery but continue to work on finalizing their responses and objections.

9 Second, plaintiff Dee Hensley-Maclean, a resident of Montana and one of the two
10 proposed class representatives, is the primary caregiver for her mother who recently became very
11 ill. She will likely be unavailable for deposition through the end of the year. Plaintiffs' counsel
12 expects that Ms. Hensley-Maclean may be available for deposition in January 2013.

13 Third, the parties have agreed that plaintiff Jennifer Rosen's deposition may be taken on
14 December 18, 2012.

15 Accordingly, the parties stipulate and request that this Court grant an extension of two
16 months on the remaining filing dates relating to the motion for class certification, and reschedule
17 the hearing on class certification accordingly, as follows:

18 1. **Class Certification Filings.** Defendant's opposition brief shall be filed no later
19 than January 31, 2013. Plaintiffs' reply brief shall be filed no later than March 18, 2013. After
20 the Court rules on class certification, the parties will submit proposed dates for merits discovery,
21 dispositive motions, and trial.

22 2. **Hearing on Class Certification.** Hearing on the class certification motion will be
23 set for April 11, 2013 at 1:30 p.m.

24 3. **Experts and Discovery.** As required by Fed. R. Civ. P. 26(a)(2), reports from
25 experts retained relating to class certification are due from defendant Safeway by January 31,
26 2013. Reports from rebuttal experts retained relating to class certification are due by March 18,
27 2013. The parties will serve all discovery requests relating to class certification so as to
28

1 be completed by December 31, 2012, however, for good cause shown, a party may conduct class
2 discovery solely relating to rebuttal expert reports after December 31, 2012.

3 **Dated:** November 21, 2012

4 Respectfully submitted,

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

Robinson & Wood, Inc.

6 /s/ Stephen Gardner

/s/ Gabriel G. Gregg

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PURSUANT TO STIPULATION IT IS SO ORDERED:

Dated: November 21, 2012



RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE