1	JESSE F. RUIZ [SBN. 77984]				
2	jfr@robinsonwood.com GABRIEL G. GREGG [SBN. 187333]				
3	ggg@robinsonwood.com 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) sgardner@cspinet.org				
9	Center for Science in the Public Interest 5646 Milton Street, Suite 211				
10	Dallas, TX 75206 Telephone: (214) 827-2774				
11	Facsimile: (214) 827-2787				
12	Attorneys for Plaintiffs and the Proposed Class				
	INITED OF A TEC DICTRICT COLUDT				
13	UNITED STATES DISTRICT COURT				
14	NORTHERN DISTRICT OF CALIFO	ORNIA, SAN FRANCISCO DIVISION			
15					
16	DEE HENSLEY-MACLEAN and SARA DUNCAN, on behalf of themselves and all	Case No. 3:11-CV-01230 RS			
17	others similarly situated,	CLASS ACTION			
18	Plaintiffs,	STIPULATION RE PROPOSED SCHEDULING ORDER FOLLOWING			
19	vs.	FILING OF FIRST AMENDED			
20	SAFEWAY INC. and DOES ONE through	COMPLAINT AND [PROPOSED] ORDER RE SAME			
21	TWENTY, inclusive,	Judge: Hon. Richard Seeborg			
22	Defendants.	Dept.: 3 - 17th floor			
23					
24	Pursuant to this Court's Order dated April	8, 2013 (Doc. 73), and Civil Local Rule 6-2, the			
25	-	posed Scheduling Order Following Filing of First			
26	Amended Complaint.	poola sanaaming oraci rono ming rinning or rinso			
	•	Lagua to File First Amanded Complaint and			
27		Leave to File First Amended Complaint and			
28	Revise the Scheduling Order filed on April 5, 2013 (Doc. 72), the parties stipulated that plaintiffs 1 3:11-CV-01230 RS				
	STIPULATION RE PROPOSED SCHEDULING ORDER COMPLAINT				
- 1	1				

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

could file a First Amended Complaint in this action and vacate dates relating to the class
certification process set forth in the Court's Order dated January 18, 2013 (Doc. 70). Per the
Court's Order of April 8, 2013 (Doc. 73) such dates were vacated, and plaintiffs filed their First
Amended Complaint on April 16, 2013 (Doc. 74), which substituted a new plaintiff, Sara Duncan
as a proposed class representative.

Following is the parties' stipulated proposal regarding amendment of dates in this action arising out of the filing of the First Amended Complaint.

The parties propose that this Court initially schedule through a motion for class certification as follows. After the Court rules on class certification, the parties will submit proposed dates for merits discovery, dispositive motions, and trial.

- **Pre-Discovery Disclosures.** The parties will exchange any information required 1. by Fed. R. Civ. P. 26(a)(1) relating to the new plaintiff, Sara Duncan, by May 3, 2013.
- 2. Written Discovery. The parties will serve all new non-expert discovery requests so as to be completed by June 17, 2013. The parties agree to respond to written discovery requests within twenty (20) days rather than the thirty (30) days permitted under the FRCP. As required by Fed. R. Civ. P. 26(a)(2), reports from experts relating to class certification are due from plaintiffs by May 1, 2013, and from Safeway by July 15, 2013. Reports from rebuttal experts are due from plaintiffs by August 30, 2013.
- 3. **Depositions.** The parties will complete all non-expert depositions by July 1, 2013. Each party will complete depositions of the other party's expert(s) within 20 days of receiving expert reports (10 days for rebuttal experts) and the party producing the expert report shall make its expert available for deposition within that time.
- 4. Class Certification. Plaintiffs' Motion for Class Certification shall be filed with an opening brief on or before May 1, 2013. Safeway's opposition is due on or before July 15, 2013. Plaintiffs' reply is due by August 30, 2013.

838575

1	5. Hearing on Class Certification	1: The Court shall schedule the hearing on class	
2	certification on or after September 16, 2013. The hearing date shall be set for		
3	<u>9/19</u> , 2013, at <u>1:30</u> pm.		
4	Dated: April 18, 2013		
5	Respectfully submitted,		
6	Center for Science in the Public Interest	Robinson & Wood, Inc.	
7	/a/ Stonbon Candron	/s/Cabriel C. Creas	
8	/s/ Stephen Gardner	/s/ Gabriel G. Gregg	
9	Stephen Gardner Seema Rattan	Jesse F. Ruiz Gabriel G. Gregg	
10	5646 Milton Street, Suite 211 Dallas, TX 85206	227 N. 1 st Street San Jose, CA 95113	
	Telephone: (214) 827-2774	Telephone: (408) 298-7120	
11	Facsimile: (214) 827-2787	Facsimile: (408) 298-0477	
12	Consumer Law Practice of Daniel T. LeBel		
13	Daniel T. LeBel		
14	601 Van Ness Avenue Opera Plaza, Suite 2080		
	San Francisco, CA 94102		
15			
16	-and-		
17			
18	Steven A. Skalet Craig L. Briskin		
19	Mehri & Skalet, PLLC 1250 Connecticut Ave., NW, Suite 300		
	Washington, DC 20036		
20	Telephone: (202) 822-5100 Facsimile: (202) 822-4997		
21			
22	-and-		
23	Whitney Stark Rukin Hyland Doria & Tindall LLP		
24	100 Pine Street, Suite 2150		
25	San Francisco, CA 94111 Telephone: (415) 421-1800		
26	Facsimile: (415) 421-1700		
27	-and-		
28			

838575

Z.	
D, L	AW
№	SATL
Z	ITORNEYS A'
OBINSON	ATTOF

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

1	James C. Sturdevant The Sturdevant Law Firm 354 Pine Street, Fourth Floor San Francisco, CA 94104 Telephone: (415) 477-2410 Facsimile: (415) 477-2420
	The Sturdevant Law Firm
2	354 Pine Street, Fourth Floor
	San Francisco, CA 94104
3	Telephone: (415) 477-2410
	Facsimile: (415) 477-2420
4	, ,

PURSUANT TO STIPULATION IT IS SO ORDERED:

Dated: April <u>22</u>, 2013

UNITED STATES DISTRICT JUDGE

ROBINSON & WOOD, INC. ATTORNEYS AT LAW

ATTESTATION CLAUSE

COHEDIN INC ODDED FOLLOWING BUING OF FIRST AMENDED COMBLAINE	
electronic filing of the foregoing document entitled STIPULATION RE PROPOSED	
Gardner, counsel for Plaintiffs Hensley-Maclean and Rosen, provided his concurrence with the	
I, Gabriel G. Gregg, hereby attest in accordance with General Order 45.X that Stephen	

Dated: April 18, 2013

ROBINSON & WOOD, INC.

By: /s/ Gabriel G. Gregg JESSE F. RUIZ

GABRIEL G. GREGG Attorneys for Defendant SAFEWAY INC.