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13 Attorneys for Defendant  
 14 COLE HAAN

15 UNITED STATES DISTRICT COURT  
 16 NORTHERN DISTRICT OF CALIFORNIA  
 17 SAN FRANCISCO DIVISION

19 TAMMIE DAVIS, an individual, on behalf of  
 20 herself and all others similarly situated,

21 Plaintiff,

22 v.

23 COLE HAAN, INC. a New York  
 24 Corporation; and DOES 1 through 50,  
 inclusive,

25 Defendants.

Case No. 11-cv-01826-JSW

**STIPULATION AND [~~PROPOSED~~] ORDER TO  
 STRIKE CERTAIN ALLEGATIONS IN FIRST  
 AMENDED COMPLAINT**

1 After meeting and conferring regarding (i) allegations relating to injunctive and  
2 declaratory relief, (ii) allegations relating to “damages” and “restitution and disgorgement,” and  
3 (iii) the jury demand asserted in the First Amended Complaint (“FAC”), plaintiff Tammie Davis  
4 and defendant Cole Haan,<sup>1</sup> by and through their respective counsel, hereby stipulate and agree  
5 that the following portions of the FAC should be stricken:

- 6 • Page 1, line 14 and generally: the words “[DEMAND FOR JURY TRIAL]” and  
7 plaintiff’s demand for trial by jury generally;
- 8 • Page 8, line 9: third paragraph in the Prayer for Relief in its entirety;
- 9 • Page 8, lines 10-11: fourth paragraph in the Prayer for Relief in its entirety;
- 10 • Page 8, lines 12-13: fifth paragraph in the Prayer for Relief in its entirety; and
- 11 • Page 8, line 14: sixth paragraph in the Prayer for Relief in its entirety.

12 **IT IS SO STIPULATED:**

13 Dated: June 17, 2011

HARRISON PATTERSON & O’CONNOR LLP  
JAMES R. PATTERSON (211102)

*/s/ James R. Patterson*  
James R. Patterson

Attorneys for Plaintiff  
TAMMIE DAVIS

19 Dated: June 17, 2011

COOLEY LLP  
MICHELLE C. DOOLIN (179445)  
BEATRIZ MEJIA (190948)  
JENNIFER M. FRENCH (265422)

*/s/ Jennifer M. French*  
Jennifer M. French

Attorneys for Defendant  
COLE HAAN

28 <sup>1</sup> Cole Haan was erroneously sued as “Cole Haan, Inc.”

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**FILER'S ATTESTATION**

Pursuant to General Order No. 45, Section X, Subparagraph B, the undersigned attests that all parties have concurred in the filing of this Stipulation Regarding Deadline to Respond to Complaint.

Dated: June 17, 2011

COOLEY LLP  
MICHELLE C. DOOLIN (179445)  
BEATRIZ MEJIA (190948)  
JENNIFER M. FRENCH (265422)

/s/ Jennifer M. French

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Jennifer M. French

Attorneys for Defendant  
COLE HAAN

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**[PROPOSED] ORDER**

Having considered the stipulation filed by plaintiff Tammie Davis and defendant Cole Haan, and good cause appearing, the following portions of the First Amended Complaint shall be stricken:

- Page 1, line 16 and generally: the words “[DEMAND FOR JURY TRIAL]” and plaintiff’s demand for trial by jury generally;
- Page 6, line 20: third paragraph in the Prayer for Relief in its entirety;
- Page 6, lines 21-22: fourth paragraph in the Prayer for Relief in its entirety;
- Page 6, lines 23-24: fifth paragraph in the Prayer for Relief in its entirety; and
- Page 6, line 25: sixth paragraph in the Prayer for Relief in its entirety.

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated: June 17, 2011

  
 \_\_\_\_\_  
 THE HONORABLE JEFFREY S. WHITE  
 UNITED STATES DISTRICT JUDGE