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12 **UNITED STATES DISTRICT COURT**
 13 **NORTHERN DISTRICT OF CALIFORNIA**

15 KIMBERLEY MAIN and EYAD AKEL,
 16 individuals, on behalf of themselves and all others
 similarly situated,

17 Plaintiffs,

18 vs.

19 WAL-MART STORES, INC., a Delaware
 20 corporation; and DOES 1 through 50, inclusive,

21 Defendants.

No.: 3:11-cv-01919-JSW

Consolidated Cases:

Landeros, Case No. 11-CV-2659-JSW
 Nelson, Case No. 11-CV-2001-JSW
 Grikavicius, Case No. 11-CV-2893-JSW

Related Case:

Heon, Case No. 12-CV-1681 JSW

**NOTICE OF SETTLEMENT AND
 STIPULATION TO SET DATES FOR
 MOTION FOR PRELIMINARY
 APPROVAL AND TO VACATE CLASS
 CERTIFICATION AND CASE
 MANAGEMENT CONFERENCE DATES,
~~PROPOSED~~ ORDER AS MODIFIED**

Hon. Jeffrey S. White

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1 Pursuant to Local Rule 7-12, Kimberley Main, Robin Nelson, Marylynn Grikavicius, and
2 Lourdes Landeros, plaintiffs in this Consolidated Action, and Tiffany Heon, plaintiff in the Related
3 Action, Case No. 12-cv-01681-JSW, (collectively, “Plaintiffs”) and defendant Wal-Mart Stores, Inc.
4 (“Defendant”) respectfully submit this Notice of Settlement and Stipulation to Set Dates for Motion
5 for Preliminary Approval and Vacate Class Certification and Case Management Conference Dates.
6 By and through their undersigned counsel, Plaintiffs and Defendant state as follows:

7 **WHEREAS**, on April 16, 2012, the Plaintiffs and Defendant participated in a mediation
8 before the Hon. Edward A. Infante (Ret.) at the JAMS Judicial Arbitration, Mediation, and ADR
9 Services offices located in San Francisco, California, at which the parties reached an agreement in
10 principle on the material terms of a possible settlement, which would be subject to review and final
11 approval by Defendant’s management;

12 **WHEREAS**, in order to obtain approval by Defendant’s management, certain settlement
13 terms were subject to further negotiations and modification;

14 **WHEREAS**, Plaintiffs and Defendant have reached a final agreement on the terms of the
15 settlement, such terms have been approved by Defendant’s management, and the parties have agreed
16 to settle this Consolidated Action and the Related Action;

17 **WHEREAS**, the parties are currently engaged in the process of preparing a formal
18 settlement agreement, notice documents, and a claim form, which the parties anticipate will be
19 finalized and executed within the next 30 days;

20 **WHEREAS**, on May 24, 2012, the Court entered an order in this Consolidated Action
21 continuing the hearing on the Motion for Class Certification and Further Status Conference to
22 October 26, 2012;

23 **WHEREAS**, on July 30, 2012, the Court entered an order in the Related Action setting a
24 Case Management Conference on October 26, 2012;

25 **WHEREAS**, in light of Plaintiffs’ and Defendant’s agreement to settle the Consolidate
26 Action and Related Action, the parties request that the Court vacate the hearing on the Motion for
27 Class Certification and Further Status Conference in the Consolidated Action and vacate the Case
28 Management Conference in the Related Action, each currently set for October 26, 2012.

1 **NOW, THEREFORE**, Plaintiffs and Defendant hereby stipulate and jointly request that

2 1. Plaintiffs’ unopposed Motion for Preliminary Approval of the Settlement shall be
3 filed on shortened time, on or before October 12, 2012;

4 2. A hearing on the Motion for Preliminary Approval of the Settlement shall be set for
5 October 26, 2012 at 9:00 a.m.; and

6 3. The hearing date for the Motion for Class Certification and Further Status Conference
7 in the Consolidated Action the Case Management Conference in the Related Action shall be vacated.

8 **IT IS SO STIPULATED**

9
10 DATED: September 12, 2012

REED SMITH LLP

11
12 By: /s/ Scott H. Jacobs
13 Scott H. Jacobs
14 Brandon W. Corbridge
15 Attorneys for Defendant
16 WAL-MART STORES, INC.

17
18 DATED: September 12, 2012

STONEBARGER LAW, P.C.

19 By: /s/ Gene J. Stonebarger
20 Gene J. Stonebarger
21 Co-Lead Counsel for Plaintiffs in the Consolidated
22 Action

23
24 DATED: September 12, 2012

MORRIS AND ASSOCIATES

25 By: /s/ Stephen B. Morris
26 Stephen B. Morris
27 Attorney for Plaintiff Tiffany Heon in the Related
28 Action

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~~PROPOSED~~ ORDER

PURSUANT TO THE ABOVE STIPULATION, IT IS ORDERED that:

1. Plaintiffs' unopposed Motion for Preliminary Approval of the Settlement shall be ~~filed on shortened time~~, on or before October 12, 2012;
2. A hearing on the Motion for Preliminary Approval of the Settlement is set for ~~October 26, 2012~~ November 16, 2012 at 9:00 a.m.;
3. The hearing on the Motion for Class Certification is vacated;
4. The Further Status Conference is vacated; and
5. The Case Management Conference in the Related Action, Case No. 12-cv-01681-JSW, is vacated.

Dated: September 13, 2012

By: 
 The Honorable Jeffrey S. White
 United States District Judge

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