

1 Gene J. Stonebarger, State Bar No. 209461
 gstonebarger@stonebargerlaw.com
 2 Richard D. Lambert, State Bar No. 251148
 rlambert@stonebargerlaw.com
 3 Elaine W. Yan, State Bar No. 277961
 eyan@stonebargerlaw.com
 4 STONEBARGER LAW
 A Professional Corporation
 5 75 Iron Point Circle, Ste. 145
 Folsom, CA 95630
 Telephone (916) 235-7140
 6 Facsimile (916) 235-7141

7 *Interim Co-Lead Counsel for Plaintiffs*

8 Scott Jacobs, State Bar No. 81980
 shjacobs@reedsmith.com
 9 Brandon Corbridge, State Bar No. 244934
 bcorbridge@reedsmith.com
 10 REED SMITH LLP
 355 South Grand Avenue, Suite 2900
 11 Los Angeles, CA 90071-1514
 Telephone: (213) 457-8000
 12 Facsimile: (213) 457-8080

13 *Attorneys for Defendant Wal-Mart Stores, Inc.*

14
 15 **UNITED STATES DISTRICT COURT**
 16 **NORTHERN DISTRICT OF CALIFORNIA**
 17 **SAN FRANCISCO DIVISION**

18 KIMBERLEY MAIN, an individual, on behalf)
 19 of herself and all others similarly situated,)

20 Plaintiffs,)

21 v.)

22 WAL-MART STORES, INC., a Delaware)
 23 corporation, and DOES 1 through 50 inclusive)

24 Defendants.)

Consolidated Case No. C 11-01919 JSW

) Consolidated with:

) Case No. C 11-02001 JSW

) Case No. C 11-02893 JSW

) Case No. C 11-02659 JSW

25 **CLASS ACTION**

26 **JOINT STIPULATION TO SHORTEN**
 27 **TIME AND ~~[PROPOSED]~~ ORDER FOR**
 28 **BRIEFING SCHEDULE ON**
UNOPPOSED MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT

JOINT STIPULATION TO SHORTEN TIME AND ~~[PROPOSED]~~ ORDER FOR BRIEFING SCHEDULE ON UNOPPOSED MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT

1 Plaintiffs Kimberley Main, Robin Nelson, Marylynn Grikavicius, and Lourdes R.
 2 Landeros ("Plaintiffs") and Defendant Wal-Mart Stores, Inc. ("Wal-Mart" or "Defendant")
 3 (collectively, the "Parties") hereby enter into this stipulation to shorten the briefing schedule on
 4 an unopposed motion for preliminary approval of class action settlement ("Motion" or "Motion
 5 for Preliminary Approval"). Specifically, the Parties stipulate that the time be shortened for
 6 Plaintiffs to file their unopposed Motion from 35 days to 21 days before the hearing, and that the
 7 Motion shall be filed no later than October 26, 2012, for hearing on November 16, 2012, subject
 8 to Court approval.

9 RECITALS

10 **WHEREAS** on February 14, 2011, plaintiff Marylynn Grikavicius filed a putative class
 11 action complaint against Wal-Mart in the Superior Court of the State of California, County of Los
 12 Angeles, entitled *Marylynn Grikavicius v. Wal-Mart Stores, Inc., et al.*, Case No. BC454993,
 13 alleging violations of the Song-Beverly Credit Card Act of 1971, Cal. Civ. Code § 1747.08, *et*
 14 *seq.* (the "Grikavicius Action");

15 **WHEREAS** on February 24, 2011, plaintiff Lourdes Landeros filed a putative class
 16 action complaint against Wal-Mart in the United States District Court for the Central District of
 17 California, Case No. 2:11-01635-JSL-PJWx, alleging Wal-Mart violated the Song-Beverly Credit
 18 Card Act of 1971, Cal. Civ. Code § 1747.08, *et seq.* (the "Landeros Action");

19 **WHEREAS** on March 4, 2011, plaintiff Robin Nelson filed a putative class action
 20 complaint against Wal-Mart in the Superior Court of the State of California, County of San
 21 Francisco, entitled *Robin Nelson v. Wal-Mart Stores, Inc., et al.*, Case No. CGC-11-508950,
 22 alleging Wal-Mart violated the Song-Beverly Credit Card Act of 1971, Cal. Civ. Code § 1747.08,
 23 *et seq.* (the "Nelson Action");

24 **WHEREAS** on March 9, 2011, plaintiff Kimberley Main filed a putative class action
 25 complaint against Wal-Mart in the Superior Court of the State of California, County of San
 26 Francisco, entitled *Kimberley Main v. Wal-Mart Stores, Inc., et al.*, Case No. CGC-11-509011,
 27 alleging Wal-Mart violated the Song-Beverly Credit Card Act of 1971, Cal. Civ. Code § 1747.08,
 28 *et seq.* (the "Main Action");

1 **WHEREAS** on March 18, 2011, Wal-Mart removed the Grikavicius Action to the United
2 States District Court for the Central District of California, Case No. 2:11-cv-02314-RGK-VBKx;

3 **WHEREAS** on April 20, 2011, Wal-Mart removed the Main Action to the United States
4 District Court for the Northern District of California, Case No. 3:11-cv-01919-EMC;

5 **WHEREAS** on April 25, 2011, Wal-Mart removed the Nelson Action to the United
6 States District Court for the Northern District of California, Case No. 3:11-cv-2011-LB;

7 **WHEREAS** on April 28, 2011, the Main Action was reassigned to the Honorable
8 Jeffrey S. White, District Judge for the United States District Court for the Northern District of
9 California, for all further proceedings and designated as Case No. 3:11-cv-01919-JSW;

10 **WHEREAS** on May 16, 2011, the Nelson Action was ordered related to the Main Action
11 and reassigned to the Honorable Jeffrey S. White for all further proceedings;

12 **WHEREAS** on June 20, 2011, the Landeros Action was ordered related to the Main
13 Action and reassigned to the Honorable Jeffrey S. White for all further proceedings;

14 **WHEREAS** on July 20, 2011, the Grikavicius Action was ordered related to the Main
15 Action and reassigned to the Honorable Jeffrey S. White for all further proceedings;

16 **WHEREAS** on November 28, 2011, the Honorable Jeffrey S. White entered an order
17 consolidating the Main Action, Nelson Action, Landeros Action and Grikavicius Action for all
18 purposes as *Kimberley Main v. Wal-Mart Stores, Inc., et al.*, Case No. 3:11-cv-01919-JSW (the
19 "Consolidated Action");

20 **WHEREAS** on December 8, 2011, plaintiffs Kimberley Main, Robin Nelson, Marylynn
21 Grikavicius and Lourdes Landeros filed a Consolidated Complaint in the Consolidated Action
22 alleging Wal-Mart violated the Song-Beverly Credit Card Act of 1971, Cal. Civ. Code § 1747.08,
23 *et seq.* Plaintiffs Main, Nelson, Grikavicius and Landeros sought redress on their own behalf and
24 on behalf of other similarly situation consumers in California as a class action;

25 **WHEREAS** on December 27, 2011, Wal-Mart filed its Answer to the Consolidated
26 Complaint;

27 **WHEREAS** on April 4, 2012, plaintiff Tiffany Heon filed a putative class action
28 complaint against Wal-Mart in the United States District Court for the Northern District of

1 California, entitled *Tiffany Heon v. Wal-Mart Stores, Inc., et al.* (Case No. 3:12-cv-01681-MEJ),
2 alleging Wal-Mart violated the Song-Beverly Credit Card Act of 1971, Cal. Civ. Code § 1747.08,
3 *et seq.* (the "Heon Action");

4 **WHEREAS** the Parties engaged in arms-length negotiations, and on April 16, 2012, they
5 participated in an all-day mediation conducted by The Honorable Edward A. Infante (Ret.) during
6 which a settlement was reached as to all material terms on class benefits and notice;

7 **WHEREAS** on July 27, 2012, the Court entered an order relating the Heon Action to the
8 Consolidated Action;

9 **WHEREAS** on September 13, 2012, the Court scheduled the hearing for Plaintiffs'
10 unopposed motion for preliminary approval of the settlement on November 16, 2012 at 9:00 a.m.
11 and ordered that the unopposed Motion for Preliminary Approval of the Settlement be filed on or
12 before October 12, 2012;

13 **WHEREAS** Plaintiffs request additional time to prepare the Motion for Preliminary
14 Approval because it has taken longer than anticipated to secure the necessary final approvals of
15 certain material terms of the settlement;

16 **WHEREAS** the Parties anticipate that a finalized settlement agreement will be circulated
17 among the Parties for signature on or before October 15, 2012; and

18 **WHEREAS** the Parties have agreed to shorten the time for hearing and have agreed that
19 Plaintiffs' Motion may be filed no later than Friday, October 26, 2012.

20 **NOW THEREFORE, THE PARTIES HEREBY STIPULATE AND AGREE** as
21 follows:

22 Plaintiffs shall have until October 26, 2012 to file their Motion, which will be heard on
23 ~~November 16, 2012.~~ December 7, 2012.

24 **IT IS SO STIPULATED.**

25 DATED: October 10, 2012

STONEBARGER LAW, APC

27 By: /s/ Gene J. Stonebarger

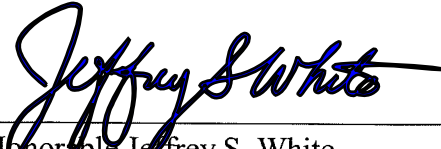
Gene J. Stonebarger
Interim Co-Lead Counsel

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
28

~~PROPOSED~~ ORDER

PURSUANT TO THE ABOVE STIPULATION, IT IS ORDERED that the deadline for Plaintiffs to file their unopposed Motion for Preliminary Approval of Class Action Settlement is continued to ~~October 26, 2012.~~ December 7, 2012 at 9:00 a.m.

Dated: October 12, 2012



The Honorable Jeffrey S. White
United States District Judge