

1 Scott Jacobs, SBN 81980
 Brandon Corbridge, SBN 244934
 2 REED SMITH LLP
 355 South Grand Avenue, Suite 2900
 3 Los Angeles, CA 90071-1514
 Telephone: 213.457.8000
 4 Facsimile: 213.457.8080

5 Attorneys for Defendant
 WAL-MART STORES, INC.

7 Gene J. Stonebarger, SBN 209461
 Richard D. Lambert, SBN 251148
 8 STONEBARGER LAW, P.C.
 75 Iron Point Circle, Suite 145
 9 Folsom, CA 95630
 Telephone: 916.235.7140
 10 Facsimile: 916.235.7141

11 Co-Lead Plaintiffs' Counsel

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

**STIPULATION AND [PROPOSED]
 ORDER TO CONTINUE DEADLINE FOR
 PLAINTIFFS TO FILE UNOPPOSED
 MOTION FOR PRELIMINARY
 APPROVAL OF CLASS ACTION
 SETTLEMENT**

Hon. Jeffrey S. White

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STIPULATION

1
2 Plaintiffs Kimberley Main, Robin Nelson, Marylynn Grikavicius, Lourdes R. Landeros and
3 Tiffany Heon (“Plaintiffs”) and Defendant Wal-Mart Stores, Inc. (“Wal-Mart” or “Defendant”)
4 (collectively, the “Parties”) hereby enter into this stipulation to continue the deadline for Plaintiffs to
5 file an unopposed motion for preliminary approval of class action settlement (“Motion” or “Motion
6 for Preliminary Approval”). Specifically, the Parties stipulate to continue the deadline for Plaintiffs
7 to file their Motion from November 2, 2012 to November 9, 2012, subject to Court approval.

RECITALS

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

14 **WHEREAS**, the Parties reached a final agreement on the terms of the settlement, agreed to
15 settle this Action, and have been in the process of preparing a formal settlement agreement, notice
16 documents, and a claim form;

17 **WHEREAS**, on September 13, 2012, the Court scheduled the hearing on Plaintiffs’ Motion
18 for November 16, 2012 at 9:00 a.m. and ordered that the Motion be filed on or before October 12,
19 2012;

20 **WHEREAS**, on October 10, 2012, the Parties filed a stipulation to shorten the time for
21 Plaintiffs to file their Motion from 35 days to 21 days before the hearing, such that the Motion would
22 be filed by October 26, 2012, for hearing on November 16, 2012, subject to Court approval;

23 **WHEREAS**, on October 12, 2012, the Court entered an order continuing the deadline for
24 Plaintiffs to file their Motion to October 26, 2012 and scheduling the hearing on the Motion for
25 December 7, 2012;

26 **WHEREAS**, on October 26, 2012, the Parties filed a stipulation to continue the deadline for
27 Plaintiffs to file their Motion to November 2, 2012, to allow the Parties additional time to resolve
28 one final issue regarding the settlement agreement;

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1 **WHEREAS**, on October 26, 2012, the Court entered an order continuing the deadline for
2 Plaintiffs to file their Motion to November 2, 2012 and continuing the hearing on the Motion to
3 January 25, 2013;

4 **WHEREAS**, since the Court’s October 26, 2012 order, the Parties have agreed on settlement
5 terms, the form of the settlement agreement has been approved by the Parties, and the settlement
6 agreement is being circulated for execution;

7 **WHEREAS**, the Parties request a final one-week extension to allow Plaintiffs to finalize the
8 Motion and to allow Wal-Mart time to review the Motion prior to filing.

9 **NOW, THEREFORE**, Plaintiffs and Defendant hereby stipulate and jointly request that the
10 Court continue the deadline for Plaintiffs to file their Motion from November 2, 2012 to November
11 9, 2012.

12
13 **IT IS SO STIPULATED**

14
15 DATED: November 2, 2012

REED SMITH LLP

17 By: /s/ Scott H. Jacobs
18 Scott H. Jacobs
19 Brandon W. Corbridge
Attorneys for Defendant
20 WAL-MART STORES, INC.

21 DATED: November 2, 2012

STONEBARGER LAW, P.C.

23 By: /s/ Gene J. Stonebarger
24 Gene J. Stonebarger
25 Richard D. Lambert
26 Co-Lead Plaintiffs’ Counsel

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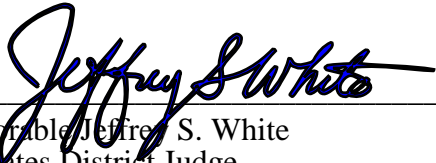
[PROPOSED] ORDER

PURSUANT TO THE ABOVE STIPULATION, IT IS ORDERED that:

1. The deadline for Plaintiffs to file their unopposed Motion for Preliminary Approval of Class Action Settlement is continued to November 9, 2012.

2. The hearing on Plaintiffs' unopposed Motion for Preliminary Approval of Class Action Settlement shall remain on calendar for January 25, 2013.

Dated: November 2, 2012

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

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