

1 Scott D. Baker (SBN 84923)
 Email: sbaker@reedsmith.com
 2 Jonah D. Mitchell (SBN 203511)
 Email: jmitchell@reedsmith.com
 3 James A. Daire (SBN 239637)
 Email: jdaire@reedsmith.com
 4 Christine M. Morgan (SBN 169350)
 Email: cmorgan@reedsmith.com
 REED SMITH LLP
 6 101 Second Street, Suite 1800
 San Francisco, CA 94105
 7 Telephone: (415) 543-8700
 8 Facsimile: (415) 391-8269

9 Attorneys for Defendant
 SAFEWAY INC.

11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA

14 MICHAEL RODMAN, on behalf of himself
 and all others similarly situated,
 15 Plaintiff,
 16 v.
 17 SAFEWAY INC.,
 18 Defendant.

Case No. 3:11-CV-03003-JST (JCS)
**STIPULATION AND ~~PROPOSED~~
 ORDER FOR EXTENSION OF STAY OF
 EXECUTION AND ENFORCEMENT OF
 JUDGMENT AND APPROVAL OF
 SUPERSEDEAS BOND AMOUNT**

The Honorable Jon S. Tigar

21 Pursuant to Civil Local Rule 7-12, Plaintiff Michael Rodman, on behalf of himself and all
 22 others similarly situated (“Plaintiff”), and Defendant Safeway Inc. (“Safeway”), hereby stipulate
 23 and agree as follows:
 24

25 WHEREAS, the Court entered judgment on November 30, 2015 (Dkt. No. 406).
 26
 27
 28

1 WHEREAS, Federal Rule of Civil Procedure 62(a) provides that “no execution may issue
2 on a judgment, nor may proceedings be taken to enforce it, until 14 days have passed after its
3 entry”.

4
5 WHEREAS, Federal Rule of Civil Procedure 62(d) provides for a stay of a money
6 judgment pending appeal as a matter of right when the appealing party files a supersedeas bond.
7 *American Color Graphics, Inc. v. Travelers Property Cas. Ins. Co.*, No. C 04-3518 SBA, 2007
8 WL 1520952, *1 (N.D. Cal. May 23, 2007).

9
10 WHEREAS, Safeway has filed a Notice of Appeal (Dkt. No. 408).

11
12 WHEREAS, Safeway has agreed to post a supersedeas bond in the amount of \$42,000,000,
13 and Plaintiff has agreed not to oppose this amount.

14
15 WHEREAS, Safeway is in the process of procuring the supersedeas bond.

16
17 WHEREAS, Safeway represents that it is able to satisfy the judgment.

18
19 WHEREAS, Safeway has made representations to Plaintiff concerning its current financial
20 condition, and has agreed to immediately notify Plaintiff of any material change in such condition
21 that would impact its ability to pay the judgment.

22
23 WHEREAS, Plaintiff and Safeway agree to extend the stay provided under Fed. R. Civ.
24 Proc. 62(a) until and including January 5, 2015.

1 Dated: December 10, 2015

Dated: December 10, 2015

3 REED SMITH LLP

CHIMICLES & TIKELLIS LLP

4 By: /s/ Jonah D. Mitchell*

By: /s/ Steven A. Schwartz

5 Scott D. Baker (SBN 84923)
6 Jonah D. Mitchell (SBN 203511)
7 James A. Daire (SBN 239637)
8 Christine M. Morgan (SBN 169350)
9 101 Second Street, Suite 1800
San Francisco, CA 94105
Telephone: (415) 543-8700
Facsimile: (415) 391-8269

Steven A. Schwartz (pro hac vice)
Timothy N. Mathews (pro hac vice)
361 W. Lancaster Ave.
Haverford, PA 19041
Telephone: (610) 642-8500
Facsimile: (610) 649-3633

10 Attorneys for Defendant
11 SAFEWAY INC.

James C. Shah (SBN 260435)
Rose F. Luzon (SBN 221544)
SHEPHERD, FINKELMAN,
MILLER & SHAH
401 West A Street, Suite 2350
San Diego, CA 92101
Telephone: (619) 235-2416
Facsimile: (866) 300-7367

12 * Filer's Attestation: Pursuant to Civil Local Rule
13 5-1(i) regarding signatures, Jonah D. Mitchell
14 hereby attests that concurrence in the filing of this
15 document has been obtained.

Attorneys for Plaintiff
MICHAEL RODMAN and the Class

16 **ORDER**

17 **PURSUANT TO STIPULATION, IT IS HEREBY ORDERED** that (1) any execution or
18 enforcement of the judgment is stayed until and including January 5, 2016; and (2) a supersedeas
19 bond in the amount of \$42,000,000 is approved. Until such time as Safeway has obtained the
20 supersedeas bond, Plaintiff may seek emergency relief from the stay of execution in the event of
21 any material change in Safeway's financial condition that reasonably implicates Safeway's ability
22 to pay the judgment.

23
24 DATED: December 11, 2015

25 
26 Hon. Jon S. Tigar
United States District Judge