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14 Attorneys for Defendant  
 15 SAFEWAY INC.

16 UNITED STATES DISTRICT COURT  
 17 NORTHERN DISTRICT OF CALIFORNIA  
 18

19 MICHAEL RODMAN, on behalf of himself  
 20 and all others similarly situated,

21 Plaintiff,

22 v.

23 SAFEWAY INC.,

24 Defendant.

Case No. 11-03003 JST (JCS)

**JOINT STIPULATION AND ~~PROPOSED~~  
 ORDER CONTINUING HEARING DATE  
 FOR PLAINTIFF'S MOTION FOR  
 SANCTIONS**

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1 Plaintiff Michael Rodman on behalf of himself and the certified Class (“Plaintiff”) and  
2 Defendant Safeway Inc. (“Safeway”) stipulate as follows:

3 WHEREAS, the Court entered final judgment (Dkt. No. 406) in favor of Plaintiff for  
4 breach of contract damages plus pre-judgment interest and against Safeway Inc. (“Safeway”);

5 WHEREAS, Safeway filed a notice of appeal (Dkt. No. 408), which appeal is pending  
6 before the United States Court of Appeals for the Ninth Circuit;

7 WHEREAS, Plaintiff filed a Motion for Sanctions on April 6, 2016 (Dkt. No. 434);

8 WHEREAS, Safeway filed its Opposition to Plaintiff’s Motion for Sanctions on May 13,  
9 2016 (Dkt. No. 446);

10 WHEREAS, Plaintiff filed his Reply in support of Plaintiff’s Motion for Sanctions on  
11 Friday, June 3, 2016 (Dkt. No. 453);

12 WHEREAS, on May 2, 2016, the Court continued the hearing on Plaintiff’s Motion for  
13 Sanctions from June 16, 2016 to July 14, 2016 (Dkt. No. 439);

14 WHEREAS, Safeway requested Plaintiff agree to continue the hearing one week, from  
15 July 14, 2016 to July 21, 2016, because of conflict in Safeway’s counsel’s schedule, and Plaintiff  
16 agreed; and

17 NOW, THEREFORE, the parties to the above-captioned action hereby stipulate and agree  
18 that, subject to approval by the Court, to continue the hearing date on Plaintiff’s Motion for  
19 Sanctions from July 14, 2016 at 2:00 pm to July 21, 2016 at 2:00 pm.  
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21  
22 IT IS SO STIPULATED.

23 Dated: June 10, 2016

Dated: June 10, 2016

24 REED SMITH LLP

CHIMICLES & TIKELLIS LLP

25 By: /s/ Jonah D. Mitchell\*  
26 Scott D. Baker (SBN 84923)  
27 Jonah D. Mitchell (SBN 203511)  
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Attorneys for Plaintiff  
MICHAEL RODMAN and the Class

\* I, Jonah D. Mitchell, am the ECF User whose identification and password are being used to file this document. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that Steven A. Schwartz have concurred in this filing.

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~~**PROPOSED**~~ **ORDER**

Good cause appearing therefore, PURSUANT TO STIPULATION, IT IS ORDERED THAT the hearing on Plaintiff's Motion for Sanctions is continued from July 14, 2016 at 2:00 pm to July 21, 2016 at 2:00 pm. IT IS SO ORDERED.

Date: June 10, 2016

