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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**

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, on June 26, 2016, the Court continued the hearing on Plaintiff’s Motion for
15 Sanctions from July 14, 2016 to July 21, 2016 (Dkt. No 456);

16 WHEREAS, due to a recent family tragedy, Safeway’s lead counsel is unavailable to
17 participate in a hearing on July 21, 2016, and Plaintiff’s counsel has agreed to Safeway’s request
18 to continue the hearing date;

19 NOW, THEREFORE, the parties to the above-captioned action hereby stipulate and agree
20 that, subject to approval by the Court, to continue the hearing date on Plaintiff’s Motion for
21 Sanctions from July 21, 2016 at 2:00 pm to August 18, 2016 at 2:00 pm, or thereafter as the
22 Court’s schedule will permit.

23

24 IT IS SO STIPULATED.

25 Dated: July 15, 2016

Dated: July 15, 2016

26 REED SMITH LLP

CHIMICLES & TIKELLIS LLP

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By: /s/ James A. Daire *

By: /s/ Steven A. Schwartz

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Attorneys for Plaintiff
MICHAEL RODMAN and the Class

* I, James A. Daire, 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 has 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 21, 2016 at 2:00 pm to August ~~18~~²⁵, 2016 at 2:00 pm. IT IS SO ORDERED.

Date: July 15, 2016

