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1 2	Lesley E. Weaver (SBN 191305) SHEPHERD, FINKELMAN, MILLER & SH. 199 Fremont Street, 20 <sup>th</sup> Floor San Francisco, CA 92101	AH, LLP
3 4	Telephone: (415) 992-7282 Facsimile: (415) 489-7701 lweaver@sfmslaw.com	
5	[Other Counsel listed on signature page]	
6		
7	Attorneys for Plaintiff and on Behalf of All Others Similarly Situated	
8   9   9   110   111   112   113   114   115   115	SHEPPARD, MULLIN, RICHTER & HAMP A Limited Liability Partnership Including Professional Corporations P. CRAIG CARDON, Cal. Bar No. 168646 ccardon@sheppardmullin.com BRIAN R. BLACKMAN, Cal. Bar No. 19699 bblackman@sheppardmullin.com ELIZABETH S. BERMAN, Cal. Bar No. 252 eberman@sheppardmullin.com 4 Embarcadero Center, 17 <sup>th</sup> Floor San Francisco, California 94111-4109 Telephone: 415-434-9100 Facsimile: 415-434-3947	96
16	SAFEWAY INC.	
17	UNITED STATES DISTRICT COURT	
18	NORTHERN DISTRIC	CT OF CALIFORNIA
19		
20	MICHAEL RODMAN, on behalf of	Case No. 3:11-CV-03003 JSW
21	himself and all others similarly situated,	STIPULATION AND [PROPOSED]
22	Plaintiff,	ORDER CONTINUING CASE MANAGEMENT CONFERENCE
23	V.	Date: April 20, 2012
24	SAFEWAY INC.,	Time: 1:30 PM Courtroom: 11, 19th Floor
25	Defendant.	The Honorable Jeffrey S. White
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STIP. & ORDER CONTINUING CMC

Plaintiff Michael Rodman ("Plaintiff") and defendant Safeway Inc. ("Safeway"), by and through their counsel, stipulate:

- 1. Plaintiff filed his Class Action Complaint on June 17, 2011 (Dkt. No. 1) and later amended his complaint on September 15, 2011 (Dkt. No. 29). The Amended Complaint, which is the operative complaint, alleges claims for breach of contract, violation of California's Consumer Legal Remedies Act (Civ. Code § 1770, et seq.), false advertising (Bus. & Prof. Code § 17500, et seq.) and unfair competition (Bus. & Prof. Code § 17200, et seq.). In support of his claims, Plaintiff alleges that Safeway misrepresented to customers that the prices they will be charged for groceries ordered online for home delivery would be the same as the price charged on that day in the customers' local brick-and-mortar store.
- 2. Safeway moved to dismiss the Amended Complaint, which the Court denying by order entered November 1, 2011 (Dkt. No. 38). Safeway answered the Amended Complaint, denying it misrepresented its online store pricing and alleging various affirmative defenses, on November 15, 2011 (Dkt. No. 39).
- 3. On December 1, 2011, the parties participated in an Early Neutral Evaluation before Stephen E. Taylor, Esq. As reflected by Mr. Taylor's Certification of ADR Session (Dkt. No. 40), the parties agreed to continue their ADR efforts through a full day mediation.
- 4. By orders entered January 3, 2011 and March 15, 2012, the Court continued the initial case management conference to March 23, 2012 and then to April 20, 2012 to allow the parties time to complete their efforts to settle this matter (Dkt. Nos. 43 and 45).
- 5. The parties were originally scheduled for a full days mediation before Judge William Cahill (Ret.) at JAMS in San Francisco on April 10, 2012. The parties further agreed to informally exchange discovery information necessary to facilitate a productive mediation session.
- 6. Due to the medical condition of Safeway's representative and recovery time following her surgery, Safeway was unable to prepare for and participate in a mediation on

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1	April 10th. The parties, therefore, continued the mediation to May 15, 2012, which was		
2	the next available date on Judge Cahill's and all parties' calendar.		
3	7. The parties have since exchanged their informal mediation discovery and the		
4	matter has been confirmed for a full-day mediation before Judge Cahill on May 15th. The		
5	parties do not anticipate any further delays.		
6	8. Given the unforeseen medical complications and the ongoing settlement		
7	discussions, the parties jointly request the Court continue the April 20, 2012 Case		
8	Management Conference to May 25, 2012, with a joint case management conference		
9	statement due on May 18, 2012, or a date thereafter convenient to the Court.		
0	IT IS SO STIPULATED.		
11	Dated: April 12, 2012		
12	SHEPHERD, FINKELMAN, MILLER & SHAH LLP		
13	~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~		
4	By /s/ James C. Shah		
15	LESLEY E. WEAVER		
16	JAMES C. SHAH Attorneys for Plaintiff MICHAEL RODMAN		
ا 17			
18	Dated: April 12, 2012 CHIMICLES & TIKELLIS, LLP		
19	By /s/ Steven A. Schwartz		
	STEVEN A. SCHWARTZ		
20	TIMOTHY N. MATHEWS		
21	Attorneys for Plaintiff MICHAEL RODMAN		
22	Dated: April 12, 2012 SHEPPARD MULLIN RICHTER & HAMPTON LLP		
23			
24	By /s/ Brian R. Blackman		
25	P. CRAIG CARDON		
	BRIAN R. BLACKMAN		
26	Attorneys for Defendant SAFEWAY INC.		
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28			
	- 2 - STIP & ORDER CONTINUING CMC		

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1	<u>ORDER</u>
2	Having considered the parties' stipulation and good cause appearing, the Court
3	continues the April 20, 2012 Case Management Conference to May 25, 2012 at 1:30 PM in
4	Courtroom 11, 19th Floor. The joint case management statement shall be due on or before
5	May 18, 2012.
6	IT IS SO ORDERED.
7	Dated: April <u>13</u> , 2012
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10	The Helder S. White
11	The Honorable Jest rey S. White United States District Judge
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STIP. & ORDER CONTINUING CMC