

1 SEYFARTH SHAW LLP  
 Jay W. Connolly (SBN 114725)  
 2 jconnolly@seyfarth.com  
 Giovanna A. Ferrari (SBN 229871)  
 3 gferrari@seyfarth.com  
 Joseph J. Orzano (SBN 262040)  
 4 jorzano@seyfarth.com  
 560 Mission Street, 31st Floor  
 5 San Francisco, California 94105  
 Telephone: (415) 397-2823  
 6 Facsimile: (415) 397-8549

7 Attorneys for Defendant  
 8 WHOLE FOODS MARKET GROUP, INC.

9  
 10 UNITED STATES DISTRICT COURT  
 11 NORTHERN DISTRICT OF CALIFORNIA

12  
 13 MARY GARRISON and GRACE  
 14 GARRISON, individually, and on behalf of all  
 others similarly situated,

15 Plaintiffs,

16 v.

17 WHOLE FOODS MARKET GROUP, INC.,

18 Defendant.

Case No. 3:13-CV-05222-VC

**STIPULATION AND ~~PROPOSED~~  
 ORDER FOR LIMITED  
 MODIFICATION TO SCHEDULING  
 ORDER**

19  
 20 Pursuant to Local Rule 6-1(b), Plaintiffs MARY GARRISON and GRACE GARRISON,  
 21 individually, and on behalf of all others similarly situated (collectively “Plaintiffs”), on the one  
 22 hand, and Defendant WHOLE FOODS MARKET GROUP, INC. (“Defendant”), by and through  
 23 their undersigned counsel, hereby stipulate as follows:

24 WHEREAS, the Court entered an initial scheduling order (“Initial Scheduling Order”)  
 25 designating an initial phase of discovery limited to (1) written fact and document discovery  
 26 targeted to information necessary to prepare for mediation; and (2) the completion of the  
 27 depositions of Plaintiffs. (Dkt. #50).

1           WHEREAS, the Initial Scheduling Order required this phase of discovery to be  
2 completed on or before December 15, 2014 and further required the Parties to complete a  
3 mediation on or before February 2, 2015 before reporting back to the Court for a further case  
4 management conference on February 10, 2015.

5           WHEREAS, the Parties attempted to resolve certain disputes regarding written discovery  
6 without burdening the Court, but required additional time to attempt to resolve them and  
7 thereafter take Plaintiffs' depositions.

8           WHEREAS, on December 17, 2014, pursuant to the Parties' Stipulation, the Court  
9 entered a modified scheduling order ("Modified Scheduled Order") extending the deadline to  
10 complete the current phase of fact discovery to January 16, 2015 for the limited purposes of  
11 allowing the parties to: (a) resolve their dispute as to Plaintiffs' responses to Defendant's written  
12 discovery, including but not limited to Plaintiffs' document production; and (2) complete the  
13 depositions of Plaintiffs. (Dkt. 54.)

14           WHEREAS, the Court also ordered that, to the extent the Parties do not move to compel  
15 with respect to any written discovery propounded in this initial phase of discovery prior to the  
16 mediation, the Parties reserve the right to move to compel with respect to all such written  
17 discovery up to and including 7 days after the close of all fact discovery in the action pursuant to  
18 Local Rule 37-3.

19           WHEREAS, the Parties have made progress in their attempts to resolve their disputes  
20 regarding written discovery without burdening the Court; however, the Parties require additional  
21 time to attempt to attempt to resolve them and thereafter take Plaintiffs' depositions.

22           WHEREAS, the additional time the Parties seek will not alter the current deadline to  
23 complete mediation as the Parties are currently scheduled to participate in a private mediation on  
24 February 2, 2015, within the time contemplated in the Scheduling Order.

25           IT IS THEREFORE STIPULATED that:

26           1.       The deadline to complete the current phase of fact discovery shall be continued  
27 from January 16, 2015 to January 30, 2015 for the limited purposes of allowing the parties to:  
28

1 (a) resolve their dispute as to Plaintiffs' responses to Defendant's written discovery, including  
2 but not limited to Plaintiffs' document production; and (2) complete the depositions of Plaintiffs.

3 2. To the extent the Parties do not move to compel with respect to any written  
4 discovery propounded in this initial phase of discovery prior to the mediation, the Parties reserve  
5 the right to move to compel with respect to all such written discovery up to and including 7 days  
6 after the close of all fact discovery in the action pursuant to Local Rule 37-3.

7 IT IS SO STIPULATED.

8 DATED: January 16, 2015

SEYFARTH SHAW LLP

9  
10 By: /s/ Joseph J. Orzano

Jay W. Connolly  
Giovanna A. Ferrari  
Joseph J. Orzano

11  
12  
13 Attorneys for Defendant  
WHOLE FOODS MARKET GROUP, INC.

14 DATED: January 16, 2015

SCOTT COLE & ASSOCIATES, APC

15  
16 By: /s/ Molly A. Desario

Matthew R. Bainer  
Molly a. DeSario

17  
18 Attorneys for Plaintiffs  
MARY GARRISON and GRACE  
19 GARRISON, individually and on behalf of all  
20 other similarly situated  
21  
22  
23  
24  
25  
26  
27  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

~~PROPOSED~~ ORDER

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

1. The deadline to complete the current phase of initial fact discovery shall be continued to January 30, 2015 for the limited purposes of allowing the parties to: (a) resolve their dispute as to Plaintiffs' responses to Defendant's written discovery, including but not limited to Plaintiffs' document production; and (2) complete the depositions of Plaintiffs.

2. To the extent the Parties do not move to compel with respect to any written discovery prior to the mediation, the Parties shall be permitted to move to compel with respect to any written discovery up to and including 7 days after the close of all fact discovery in the action pursuant to Local Rule 37-3, or as otherwise ordered by the Court. It shall be sufficient to satisfy this deadline to move to compel that the Parties submit the joint letter brief required in paragraph 9 of this Court's civil standing order by the motion to compel deadline.

DATED: January 27, 2015

  
\_\_\_\_\_  
HON. VINCE CHHABRIA  
United States District Court Judge

18844402v.1