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7 Attorneys for Defendants  
 8 WHOLE FOODS MARKET CALIFORNIA, INC. and  
 MRS. GOOCH'S NATURAL FOOD MARKETS,  
 9 INC.

11 UNITED STATES DISTRICT COURT  
 12 NORTHERN DISTRICT OF CALIFORNIA

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

16 Plaintiffs,

17 v.

18 WHOLE FOODS MARKET CALIFORNIA,  
 19 INC., *et al.s*

20 Defendants.

Case No. 4:14-CV-00334-VC

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

21 Pursuant to Local Rule 6-1(b), Plaintiffs MARY GARRISON and GRACE GARRISON,  
 22 individually, and on behalf of all others similarly situated (collectively "Plaintiffs"), on the one  
 23 hand, and Defendants WHOLE FOODS MARKET CALIFORNIA, INC. and MRS. GOOCH'S  
 24 NATURAL FOOD MARKETS, INC. ("Defendants"), by and through their undersigned  
 25 counsel, hereby stipulate as follows:

26 WHEREAS, the Court entered a scheduling order ("Scheduling Order") designating an  
 27 initial phase of discovery limited to (1) written fact and document discovery targeted to  
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1 information necessary to prepare for mediation; and (2) the completion of the depositions of  
2 Plaintiffs. (Dkt. #41).

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

7 WHEREAS, the Parties are presently attempting to resolve certain disputes regarding  
8 written discovery without burdening the Court, but require additional time to attempt to resolve  
9 them and thereafter take Plaintiffs' depositions.

10 WHEREAS, the Parties further seek clarification and certainty as to the preservation of  
11 the right to move to compel with respect to any written discovery propounded during this initial  
12 phase of discovery to assist the Parties in their efforts to resolve their dispute without seeking  
13 intervention from the Court.

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

17 IT IS THEREFORE STIPULATED that:

18 1. The deadline to complete the current phase of fact discovery shall be continued to  
19 January 16, 2015 for the limited purposes of allowing the parties to: (a) resolve their dispute as  
20 to Plaintiffs' responses to Defendants' written discovery, including but not limited to Plaintiffs'  
21 document production; and (2) complete the depositions of Plaintiffs.

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

26 IT IS SO STIPULATED.  
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DATED: December 12, 2014

SEYFARTH SHAW LLP

By: /s/ Joseph J. Orzano  
Jay W. Connolly  
Giovanna A. Ferrari  
Joseph J. Orzano

Attorneys for Defendants  
WHOLE FOODS MARKET CALIFORNIA,  
INC. and MRS. GOOCH'S NATURAL FOOD  
MARKETS, INC.

DATED: December 12, 2014

SCOTT COLE & ASSOCIATES, APC

By: /s/ Molly A. Desario  
Matthew R. Bainer  
Molly a. DeSario

Attorneys for Plaintiffs  
MARY GARRISON and GRACE  
GARRISON, individually and on behalf of all  
other similarly situated

**~~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 16, 2015 for the limited purposes of allowing the parties to: (a) resolve their dispute as to Plaintiffs' responses to Defendants' 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: December 12, 2014

  
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HON. VINCE CHHABRIA  
United States District Court Judge

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