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 TUESDAY MORNING, INC.

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8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA  
 10 SAN FRANCISCO DIVISION  
 11

12 CYNTHIA MCMAHON, on behalf of  
 herself, all others similarly situated,  
 13 Plaintiff,

14 v.  
 TUESDAY MORNING, INC., a Texas  
 15 corporation; and DOES 1-50, inclusive,  
 16 Defendants.

CASE NO. 3:14-cv-05547 (EMC)

(Removed from Contra Costa Superior  
 Court Case No. C-14-02113)

**JOINT STIPULATION AND  
 [PROPOSED] ORDER PURSUANT TO  
 THE APRIL 7, 2016 CASE  
 MANAGEMENT CONFERENCE AND  
 THE APRIL 8, 2016 CIVIL MINUTES**

17  
 18 In accordance with the Court's instructions at the April 7, 2016 Case Management  
 19 Conference ("April 7 CMC") and its Civil Minutes Order, dated April 8, 2016 ("April 8 Civil  
 20 Minutes"), Plaintiff Cynthia McMahon ("Plaintiff") and Defendant Tuesday Morning, Inc.  
 21 ("Tuesday Morning" or "Defendant") (collectively, the "Parties"), by and through their  
 22 undersigned counsel, submit this JOINT STIPULATION:

23 Following the April 7 CMC, Defendant took Plaintiff's deposition on April 11, 2016.  
 24 Notwithstanding Defendant's position that Plaintiff has established no basis to request any names  
 25 or contact information for members of the putative class, pursuant to the Court's direction at the  
 26 April 7 CMC and its April 8 Civil Minutes, the Parties met and conferred extensively regarding  
 27 the possible production—pursuant to the *Belaire-West* opt-out process—of a subset of names and  
 28

1 contact information for members of the putative class. The Parties further met and conferred  
2 regarding a proposed class certification briefing schedule.

3 As the Parties indicated at the April 7 CMC, the Parties made progress towards resolving  
4 this case during a full-day mediation session with Jeffrey A. Ross on March 3, 2016. While the  
5 case did not settle at mediation, the Parties have continued those discussions over the last several  
6 weeks. With the Court's encouragement at the April 7 CMC and in its April 8, 2016 Civil  
7 Minutes, the Parties have continued their post-mediation discussions over the past week, both  
8 directly and through the auspices of Mediator Ross. At this time, the Parties believe it is in their  
9 mutual best interests to devote themselves and their resources over the next thirty (30) days—  
10 through and including May 13, 2016—to determine if they can resolve this case without  
11 incurring additional litigation costs and without imposing on the Court's time. The Parties also  
12 believe that during this thirty (30) day period, it would be beneficial for discovery to be stayed  
13 and to avoid discovery motion practice so that they may focus on attempting resolution of the  
14 case.

15 If the Parties are unable to report to the Court by May 13, 2016 that they have reached an  
16 agreement in principle, the Parties intend to submit by May 20, 2016, consistent with the Court's  
17 April 8 Civil Minutes, a joint letter addressing the putative class list issue and proposing a  
18 schedule through class certification briefing for the Court to consider.

19  
20 Dated: April 14, 2016

21 SETAREH LAW GROUP

22  
23 By:           /s/ Shaun Setareh            
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Attorneys for Plaintiff  
CYNTHIA MCMAHON

Dated: April 14, 2016

WEIL, GOTSHAL & MANGES LLP

By: /s/ Gary D. Friedman

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Pursuant to Civil Local Rule 5-1(i)(3), the filer attests that concurrence in the filing of this document has been obtained from each of the above signatories.

/s/ Gary D. Friedman  
GARY D. FRIEDMAN

1 CASE MANAGEMENT ORDER

2 The above **JOINT STIPULATION PURSUANT TO THE APRIL 7, 2016 CASE**  
3 **MANAGEMENT CONFERENCE AND THE APRIL 8, 2016 CIVIL MINUTES** is  
4 approved and all Parties shall comply with its provisions.

5 ~~[In addition, the Court makes the further orders stated below:]~~

6 Further CMC is set for June 9, 2016 at 10:30 a.m. An updated joint CMC statement  
7 shall be filed by June 2, 2016.  
8 **IT IS SO ORDERED.**

9 Dated: April 19, 2016

