

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA

3 MARY FARRELL, on behalf of herself and
4 others similarly situated,

No. 3:15-cv-00635-MEJ

5 Plaintiff,

~~PROPOSED~~ ORDER

6 v.

7 TARGET CORPORATION,

8 Defendant.
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1 WHEREAS, Plaintiff filed the Complaint in this litigation on February 10, 2015;

2 WHEREAS, Defendant Target Corporation was served on February 23, 2015;

3 WHEREAS, a number of duplicative complaints were filed nationwide;

4 WHEREAS, a Motion for Consolidation and Transfer under 28 U.S.C. § 1407 was filed
5 before the Judicial Panel on Multi-District Litigation (“JPML”) to coordinate and/or consolidate
6 all of the actions in one court;

7 WHEREAS, Plaintiff and Defendant Target Corporation expect that all of the actions will
8 be coordinated and/or consolidated before one court;

9 WHEREAS, Plaintiff and Defendant Target Corporation wish to preserve the parties’ and
10 the Court’s resources and efficiently manage the litigation so as not to cause prejudice;

11 WHEREAS, the parties have not previously requested any time modifications in this
12 case;

13 WHEREAS, this stipulation would effect a stay of all deadlines in this case, including
14 those contained in the Court’s Order Setting Initial Case Management Conference and ADR
15 Deadlines [ECF No. 4];

16 NOW THEREFORE, the parties agree as follows:

17 1. Defendant Target Corporation will not be required to answer or otherwise plead in
18 response to the Complaint until after a scheduling order or briefing schedule is entered in a
19 transferee court. In the event that the Motion for Consolidation and Transfer under 28 U.S.C. §
20 1407 is denied, the parties will confer within seven (7) days of the JPML’s order regarding the
21 due date for responsive pleadings in this action. No discovery shall be served in the above-
22 captioned matter while this stipulation is in effect.

23 2. The deadlines established in the Court’s Order Setting Initial Case Management
24 Conference and ADR Deadlines [ECF No. 4] shall be stayed unless and until the Motion for
25 Consolidation and Transfer under 28 U.S.C. § 1407 is denied. In the event that the Motion for
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1 Consolidation and Transfer under 28 U.S.C. § 1407 is denied, the parties will confer within
2 seven (7) days of the JPML's order and submit to the court a stipulation proposing deadlines: (1)
3 to meet and confer regarding initial disclosures, early settlement, ADR process selection and a
4 discovery plan; (2) to file an ADR Certification signed by the parties; (3) to file either a
5 stipulation to the ADR process or a Notice of Need for ADR Phone Conference; (4) to file a Rule
6 26(f) Report and complete initial disclosures or state objections in the Rule 26(f) report, and file
7 a Case Management Statement; and (5) to hold the Initial Case Management Conference.


8 3. Defendant Target Corporation agrees that it will seek the same stipulation in any
9 related action and, if it is unable to reach agreement, will file a motion to stay any related action
10 before filing a responsive pleading in those related actions.

11 4. In the event that Defendant Target Corporation voluntarily files or is ordered to
12 file a responsive pleading in any other related action prior to the JPML's decision, Defendant
13 Target Corporation agrees that this stipulation will become void and in that event, all the parties
14 agree to negotiate in good faith regarding a responsive pleading date.

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

17 March 2, 2015

18 DATED: ~~February~~ __, 2015.

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Maria-Elena James
United States Magistrate Judge