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 11 SAFEWAY INC.

12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA

14 REBEKAH PREWITT AND LAUREN
 15 BARRY, individually and on behalf of all
 others similarly situated,

16 Plaintiff,

17 vs.

18 SAFEWAY INC., a California Corporation
 19 and DOES 1 through 50,

20 Defendants.

Case No. 16-CV-02753-MMC

HONORABLE MAXINE M. CHESNEY
 COURTROOM 7

**STIPULATION REQUESTING AN
 ORDER EXTENDING TIME FOR
 DEFENDANT TO ANSWER OR
 OTHERWISE RESPOND TO
 COMPLAINT; DECLARATION OF
 JOSHUA GLIKIN; AND PROPOSED
 ORDER THEREON**

Action Filed: April 13, 2016
 Date of Removal: May 20, 2016

1 **STIPULATION REQUESTING AN ORDER EXTENDING TIME**

2 Pursuant to Civil Local Rules 6-2 and 7-12, Plaintiffs Rebekah Prewitt and Lauren
3 Barry (“Plaintiffs”) and Defendant Safeway, Inc. (“Safeway” or “Defendant”) hereby file a
4 stipulation requesting an Order changing and extending the time within which Safeway must
5 answer or otherwise respond to Plaintiffs’ complaint. Safeway’s answer or response is
6 presently due on June 27, 2016.¹ The parties have conferred and Plaintiffs have agreed to
7 an extension of time to August 1, 2016; provided, however, that this Stipulation shall not in
8 any way operate as consent by the Plaintiffs to jurisdiction of the United States District
9 Court, Northern District of California, and that Plaintiffs continue to assert that there is no
10 original jurisdiction over this matter, which will be addressed at the hearing on Plaintiffs’
11 Motion to Remand scheduled for July 22, 2016.

12 For the reasons set forth in the accompanying Declaration of Joshua Glikin in Support
13 of Stipulation Requesting an Order Extending Time, the parties respectfully request that this
14 Court enter an order extending the time for Safeway to answer or respond to Plaintiffs’
15 complaint to August 1, 2016. A proposed order is attached.

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17 Dated: June 23, 2016

RUTAN & TUCKER, LLP
PROUD USAHACHAROENPORN

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19 By: /s/ Proud Usahacharoenporn

Proud Usahacharoenporn
Attorneys for Defendant
SAFEWAY INC.

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22 Dated: June 23, 2016

THE WAND LAW FIRM

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24 By: /s/ Aubry Wand

Aubry Wand
Attorneys for Plaintiffs REBEKAH
PREWITT and LAUREN BARRY

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28 ¹ The deadline is June 26, 2016, which falls on a Sunday. The next business day is Monday,
June 27.

1 **DECLARATION OF JOSHUA GLIKIN IN SUPPORT OF STIPULATION**
2 **REQUESTING AN ORDER EXTENDING TIME**

3 1. I am counsel of record for Defendant in this Action. The statements made
4 herein are based on my personal knowledge and on information made available to me in
5 the course of my duties as counsel for Defendant.

6 2. I conferred with counsel for the Plaintiffs to request an extension of time for
7 Defendant to answer or otherwise respond to Plaintiffs' Complaint in the above-captioned
8 Action, and Plaintiffs' counsel kindly consented to the request, from June 27, 2016 to
9 August 1, 2016.

10 3. This is the second request for an extension of time to answer or otherwise
11 respond to the Complaint that Defendant has requested in this action. The first was by
12 stipulation filed on May 25, 2016. [Dkt. No. 6.]

13 4. The reason for the requested enlargement of time is to permit the Court to
14 rule on Plaintiffs' Motion to Remand prior to the deadline for Defendant to respond to the
15 Complaint. The Motion to Remand will be fully-briefed following Defendant's
16 submission of its sur-reply on June 30, 2016, as the Court directed pursuant to its Order
17 Affording Defendant Opportunity to File Sur-Reply Re: Motion to Remand; Continuing
18 Hearing on Motion to Remand. [Dkt. No. 26.] A hearing on the Motion to Remand is
19 scheduled for July 22, 2016. [*Id.*] The Court's hearing on the Defendant's Motion to Stay
20 Proceedings Pending Transfer of MDL No. 2705 [Dkt. No. 23], also is scheduled for July
21 22, 2016.

22 5. Thus, the requested extension would move Defendant's deadline to respond
23 to the Complaint to a little more than one week following the hearing on these two critical
24 motions, which may affect Defendant's obligation to respond to the Complaint.

25 6. Defendant respectfully submits that it would be in the interests of justice and
26 efficiency for the Court to determine the jurisdictional issues raised by Plaintiff's Motion
27 to Remand and Defendant's Motion to Stay prior to requiring Defendant to file a
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1 substantive response to the Plaintiffs' Complaint that was recently removed from the
2 Superior Court of California, County of San Francisco.

3 7. The requested extension of time would not have an adverse effect on the
4 schedule for this case. The initial Case Management Conference for this Action is
5 presently set for August 26, 2016, at 10:30 a.m. [Dkt. No. 15], which is nearly four weeks
6 after the requested date for the filing of Safeway's answer or response to Plaintiffs'
7 Complaint.

8 I declare under penalty of perjury under the laws of the United States of America
9 that the foregoing is true and correct.

10 Executed on July 23, 2016 at Towson, Maryland.

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/s/ Joshua A. Glikin

Joshua A. Glikin

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PROPOSED ORDER

Pursuant to Civil Local Rules 6-2 and 7-12, Plaintiffs Rebekah Prewitt and Lauren Barry (“Plaintiffs”) and Defendant Safeway, Inc. (“Safeway” or “Defendant”) filed a stipulation requesting an order changing and extending the time within which Safeway must answer or otherwise respond to Plaintiffs’ Complaint. Safeway’s answer or response is presently due on June 26, 2016. The parties have conferred and have agreed to an extension of time to August 1, 2016.

For the reasons set forth in the Declaration of Joshua Glikin In Support of Stipulation Requesting an Order Extending Time accompanying the parties’ stipulation, the Court finds good cause to extend the deadline for Safeway to answer or respond to Plaintiffs’ complaint to August 1, 2016.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: June 24, 2016



HONORABLE MAXINE M. CHESNEY
UNITED STATES DISTRICT COURT JUDGE