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**Attorneys for Safeway Defendants**

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE NORTHERN DISTRICT OF CALIFORNIA**

MARIA KARLA TERRAZA Individually and  
 On Behalf of the SAFEWAY 401(K) PLAN,  
 Plaintiff,  
 v.  
 SAFEWAY INC., et al.  
 Defendants.

Case 3:16-cv-03994-JST

**JOINT STIPULATION TO CONTINUE  
 CASE DEADLINES; ~~PROPOSED~~  
 ORDER**

Assigned to Hon. Jon S. Tigar

1 **STIPULATION**

2 Plaintiff, Maria Karla Terraza, and Defendants, Defendants, Safeway Inc. (“Safeway”),  
3 the Benefit Plans Committee Safeway Inc. n/k/a Albertsons Companies Retirement Benefit Plans  
4 Committee (“Benefit Plans Committee”), Peter J. Bocian, David F. Bond, Michael J. Boylan,  
5 Robert B. Dimond, Laura A. Donald, Dennis J. Dunne, Robert L. Edwards, Bradley S. Fox,  
6 Bernard L. Hardy, Russell M. Jackson, Peggy Jones, Suz-Ann Kirby, Robert Larson, Melissa C.  
7 Plaisance, Paul Rowan and Andrew J. Scoggin (the “Safeway Defendants”), as well as Defendant,  
8 Aon Hewitt Investment Consulting, Inc. (“Aon” and, collectively with the Safeway Defendants,  
9 “Defendants”), through their counsel, hereby stipulate and agree that:

10 WHEREAS, the initial complaint was filed against Safeway Inc. and the Benefits Plans  
11 Committee Safeway Inc. on July 14, 2016;

12 WHEREAS, the Rule 16(b) conference was held, and the Court then issued the current  
13 scheduling order on March 15, 2017 (ECF No. 67), setting the discovery, pre-trial and trial dates,  
14 at a time when Aon was not a party in the Action;

15 WHEREAS, after that case management order, Plaintiff and the Safeway Defendants  
16 stipulated to an amendment to the Complaint to add Aon as a defendant for the first time in this  
17 Action as part of the Second Amended Complaint, and that Second Amended Complaint was  
18 filed on March 31, 2017.

19 WHEREAS, Aon filed a motion to dismiss the Second Amended Complaint on June 22,  
20 2017 and the matter was briefed over the summer;

21 WHEREAS, after vacating the initial argument date, the Court heard oral argument on  
22 Aon’s motion to dismiss on November 2, 2017, and the matter remains under submission;

23 WHEREAS, the Plaintiff and Safeway Defendants have exchanged certain initial  
24 disclosures, have engaged in written discovery and have been in the process of scheduling  
25 depositions;

26 WHEREAS, the Plaintiff and Aon served written discovery on the other following the  
27 argument on Aon’s motion to dismiss argument, but the document productions are not yet due  
28 and the scope of the claims is still disputed;

1 WHEREAS, depositions are currently being scheduled to take place over the next sixty  
2 days, and additional written discovery remains to be completed;

3 WHEREAS, the Parties have been working diligently and cooperatively to prepare this  
4 case for trial, while also pursuing their efforts in a manner designed to avoid imposing undue  
5 burdens or expenses on any of the Parties, in particular as to Aon and the pendency of its Motion  
6 to Dismiss;

7 WHEREAS, in light of the above and despite the Parties' diligent efforts to cooperate, the  
8 Parties believe that the current schedule will not provide adequate time to complete discovery,  
9 expert disclosures, dispositive motions, and trial, by virtue of the number of defendants, the scope  
10 of document discovery demanded, and the need for an adequate opportunity for discovery related  
11 to Aon upon understanding the scope of the claims against it.<sup>1</sup> The Parties therefore respectfully  
12 request that the Court continue the case deadlines as detailed below, which represents a ninety  
13 (90) day continuance of all deadlines, and that the pretrial conference date be moved to a date  
14 convenient for the Court in or after September, 2018, and the trial be moved to a date convenient  
15 for the Court in or after October, 2018 on the Court's first available trial dates;<sup>2</sup>

16 WHEREAS, the Parties have not previously requested any extensions of the pretrial or  
17 trial dates in this case;

18 WHEREAS, Plaintiffs also propose that the Court reschedule the next Case Management  
19 Conference, currently set for December 13, 2017 to a date in early 2018;

20 NOW, THEREFORE, the Parties, through their respective counsel, hereby stipulate,  
21 subject to the approval of the Court, to the following schedule:

22  
23 \_\_\_\_\_, 2018, at 2 p.m. Case Management Conference  
24 March 22, 2018 Deadline to complete fact discovery.

25 <sup>1</sup> In addition, while not offered as a principal reason for the requested change, counsel for Aon (Randall Edwards)  
26 also requests the Court's accommodation of the requested change because of a long-scheduled window of time  
27 allotted to counsel in mid-July 2018 to attempt to swim the English Channel, which requires advanced scheduling of  
a year or more for pilot and boat booking.

28 <sup>2</sup> Counsel for the Parties have also met and conferred with counsel for Plaintiff in the *Lorenz* matter, and anticipate  
submitting a stipulation in that case proposing an identical modification of the schedule in that case.

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April 12, 2018	Deadline for expert disclosures.
May 2, 2018	Deadline for expert rebuttal.
May 21, 2018	Deadline to complete expert discovery.
June 15, 2018	Deadline to file dispositive motions.
September 5, 2018	Deadline to file pretrial conference statement.
September __, 2018, at 2 p.m.	Pretrial Conference
October __, 2018, at _____	Trial (eight court days)

Dated: November 29, 2017

SHEPHERD FINKELMAN  
MILLER & SHAH LLP

/s/ James E. Miller\*  
James E. Miller

Dated: November 29, 2017

TRUCKER ♦ HUSS

/s/ R. Bradford Huss  
R. Bradford Huss

Dated: November 29, 2017

O'MELVENY & MYERS LLP

/s/ Randall W. Edwards  
Randall W. Edwards

\*Pursuant to L.R. 5-1(i)(3) regarding signatures, I, James E. Miller, attest that concurrence in the filing of this document has been obtained from each of the other signatories.

/s/ James E. Miller  
James E. Miller

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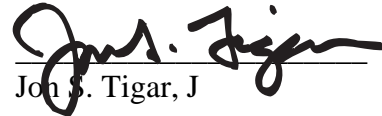
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~~PROPOSED~~ ORDER

**IT SO ORDERED.**

The next Case Management Conference shall be held on January 24, 2018, at 2:00 pm.  
The Pretrial Conference shall be held on September 7, 2018, at 2 p.m., and the trial shall commence on October 22, 2018, with eight (8) days reserved for trial.

The parties shall file a joint pretrial conference statement on or before August 28, 2018.

  
Jon S. Tigar, J

Dated: November 30, 2017