

Trucker ♦ Huss  
A Professional Corporation  
One Embarcadero Center, 12<sup>th</sup> Floor  
San Francisco, California 94111

1 SHEPHERD FINKELMAN MILLER  
& SHAH, LLP  
2 Ronald S. Kravitz (SBN 129704)  
Kolin C. Tang (SBN 279834)  
3 One California Street, Suite 900  
San Francisco, CA 94111  
4 Tel.: (415) 429-5272  
Fax: (866) 300-7367  
5 E-Mail: rkravitz@sfmslaw.com  
ktang@sfmslaw.com

6 OLIVIER SCHREIBER & CHAO, LLP  
7 Monique Olivier (SBN 190385)  
Katharine Chao (SBN 247571)  
8 201 Filbert Street, Suite 201  
San Francisco, CA 94133  
9 Telephone: (415) 484-0980  
10 E-Mail: monique@osclegal.com  
Kathy@osclegal.com

11 **Attorneys for Plaintiff and the Plan**

TRUCKER ♦ HUSS  
R. Bradford Huss (SBN 71303)  
Angel L. Garrett (SBN 255682)  
Dylan D. Rudolph (SBN 278707)  
One Embarcadero Center, 12th Floor  
San Francisco, CA 94111  
Tel: (415) 788-3111  
Fax: (415) 421-2017  
Email: bhuss@truckerhuss.com  
agarrett@truckerhuss.com  
drudolph@truckerhuss.com

Joseph C. Faucher, (SBN 137353)  
633 W. 5th Street, 28th Floor  
Los Angeles, California 90071  
Telephone: (213) 537-1016  
Facsimile: (213) 537-1020  
E-mail: jfaucher@truckerhuss.com

12 **Attorneys for Defendants**  
SAFEWAY INC. and SAFEWAY  
BENEFIT PLANS COMMITTEE

O'MELVENY & MYERS LLP  
Brian D. Boyle (CSB 126576)  
Randall W. Edwards (CSB 179053)  
Adam Kaplan (CSB 298077)  
Two Embarcadero Center, 28th Floor  
San Francisco, CA 94111  
Tel: (415) 984-8700  
Fax: (415) 984-9701  
Email: bboyle@omm.com  
redwards@omm.com

18 **Attorneys for Defendant Aon Hewitt**  
Investment Consulting, Inc.

20 UNITED STATES DISTRICT COURT  
21 NORTHERN DISTRICT OF CALIFORNIA  
22 SAN FRANCISCO

23 MARIA KARLA TERRAZA, individually and  
on behalf of the SAFEWAY 401(k) Plan,

24 Plaintiff,

25 vs.

26 SAFEWAY INC., BENEFIT PLANS  
COMMITTEE SAFEWAY INC.,  
27 and DOES 1 to 100 inclusive,

28 Defendants.

Case No. 3:16-cv-03994-JST

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

Assigned to Hon. Jon S. Tigar

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

9 WHEREAS, Plaintiff filed a complaint against Safeway Inc. and the Benefits Plans  
10 Committee Safeway Inc. on July 14, 2016;

11 WHEREAS, Plaintiff filed an Amended Complaint on November 18, 2016 (Docket No. 37);

12 WHEREAS, Plaintiff filed a Second Amended Complaint on March 31, 2017 (Docket  
13 No. 72);

14 WHEREAS, Aon filed a motion to dismiss the Second Amended Complaint on June 22,  
15 2017 (Docket No. 83);

16 WHEREAS, the Court entered an order granting in part and denying in part Aon’s motion  
17 on December 11, 2017 (Docket No. 109);

18 WHEREAS, the Parties Stipulated to Continue Case Deadlines, and this Court has entered  
19 orders continuing case deadlines on November 30, 2017 (Dkt. 108) and on February 20, 2018  
20 (Dkt. 119);

21 WHEREAS, the Parties have exchanged initial disclosures, engaged in written discovery and  
22 exchange of documents, and will have taken 17 fact witness depositions on or before the current  
23 deadline to complete fact discovery on April 27, 2018;

24 WHEREAS, when the current deadline to complete fact discovery passes, three additional  
25 depositions will remain to be taken;

26 WHEREAS, because depositions will remain outstanding when the current deadline to  
27 complete fact discovery passes, the Parties will be unable to provide potential experts with all fact  
28 discovery relevant to the case when fact discovery closes;

1 WHEREAS, although the Parties have been working diligently and cooperatively in the  
2 discovery process and in preparing this case for trial, the Parties believe that, given the number of  
3 Defendants and the scope of discovery, including the necessity of taking 20 depositions in no less  
4 than five different states, the current schedule does not provide adequate time to complete discovery  
5 and exchange expert reports. The Parties therefore respectfully request that the Court continue the  
6 case deadlines as detailed below;<sup>1</sup>

7 WHEREAS, the Parties have previously made two requests to extend the deadlines for  
8 completing discovery and filing dispositive motions, and the pretrial and trial dates (Dkts. 108,  
9 119);

10 WHEREAS, the Parties do not propose any change in the trial schedule or the remainder of  
11 the pretrial schedule;

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

Event	Current Deadline (Dkt. 119)	Proposed Deadline	Length of Requested Extension
Deadline to complete fact discovery	April 27, 2018	May 3, 2018	Six Days
Deadline for expert disclosures	May 11, 2018	May 22, 2018	Eleven Days
Deadline for expert rebuttal	May 30, 2018	June 8, 2018	Nine Days
Deadline to complete expert discovery	June 8, 2018	June 20, 2018	Twelve Days
Deadline to file dispositive motions	June 21, 2018	June 28, 2018	Seven Days

21 IT IS SO STIPULATED.

22 DATED: April 26, 2018

TRUCKER ♦ HUSS

23  
24 By: /s/R. Bradford Huss  
R. Bradford Huss  
Attorneys for Defendants  
SAFEWAY INC. and SAFEWAY BENEFIT  
PLANS COMMITTEE

27 <sup>1</sup> Counsel for the Parties have also met and conferred with counsel for Plaintiff in the *Lorenz* matter,  
28 and anticipate submitting a stipulation in that case proposing an identical modification of the  
schedule in that case.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Dated: April 26, 2018

O'MELVENY & MYERS LLP

By: /s/Randall W. Edwards  
Randall W. Edwards  
Attorneys for Defendant  
AON HEWITT INVESTMENT CONSULTING,  
INC.

Dated: April 26, 2018

SHEPHERD, FINKELMAN, MILLER & SHAH, LLP

By: /s/James E. Miller  
James E. Miller  
Attorneys for Plaintiff  
MARIA KARLA TERRAZA, individually and on  
behalf of the SAFEWAY 401(K) PLAN

I attest that my firm has obtained concurrence in the filing of this document from James E. Miller and Randall W. Edwards.

DATED: April 26, 2018

TRUCKER ♦ HUSS

By: /s/R. Bradford Huss  
R. Bradford Huss  
Attorneys for Defendants  
SAFEWAY INC. and BENEFIT PLANS  
COMMITTEE SAFEWAY INC.

~~PROPOSED~~ ORDER

Good cause exists for an order continuing the deadlines for completing fact and expert discovery, including submitting expert disclosures and rebuttals, and filing dispositive motions to the following dates:

May 3, 2018 – Deadline to complete fact discovery

May 22, 2018 – Deadline for expert disclosures

June 8, 2018 – Deadline for expert rebuttal

June 20, 2018 – Deadline to complete expert discovery

June 28, 2018 – Deadline to file dispositive motions

DATED: April 27, 2018

  
\_\_\_\_\_  
Hon. Jon S. Tigar  
United States District