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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
DEADLINE TO FILE DISPOSITIVE
MOTIONS; [~~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), February 20, 2018 (Dkt. 119),
20 and April 27, 2018 (Dkt. 130);

21 WHEREAS, the Parties have exchanged initial disclosures, engaged in written discovery and
22 exchange of documents, and taken 21 fact witness depositions;

23 WHEREAS, the Parties are in the expert discovery phase of this litigation and in the process
24 of preparing and taking depositions of seven expert witnesses on or before the current deadline to
25 complete expert witness on June 20, 2018;

26 WHEREAS, although the Parties have been working diligently and cooperatively in the
27 discovery process and in preparing this case for trial, the Parties believe that their most recent
28 stipulation (Dkt. 130), which the Court entered prior to the deadline for expert disclosures, does not

1 provide adequate time to complete expert discovery and file a dispositive motion. The current
2 schedule only provides seven days between the deadline to complete expert discovery and the
3 deadline to file a dispositive motion. The Parties therefore respectfully request that the Court
4 continue the deadline for filing dispositive motions from June 28, 2018 to July 6, 2018 with the
5 opposition due on July 20, 2018, reply due on July 26, 2018, and the hearing on August 9, 2018;¹

6 WHEREAS, the Parties have previously made three requests to extend the deadlines for
7 completing discovery and filing dispositive motions, and the pretrial and trial dates (Dkts. 108, 119,
8 and 130);

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

11 NOW, THEREFORE, the Parties, through their respective counsel, hereby stipulate, subject
12 to the approval of the Court, to continue the deadline to file dispositive motions from June 28, 2018
13 to July 6, 2018 with the opposition due on July 20, 2018, reply due on July 26, 2018, and the
14 hearing on August 9, 2018.

15 IT IS SO STIPULATED.

16 DATED: June 19, 2018

TRUCKER ♦ HUSS

17
18 By: /s/R. Bradford Huss
19 R. Bradford Huss
20 Attorneys for Defendants
21 SAFEWAY INC. and SAFEWAY BENEFIT
22 PLANS COMMITTEE

21 Dated: June 19, 2018

O'MELVENY & MYERS LLP

23 By: /s/Randall W. Edwards
24 Randall W. Edwards
25 Attorneys for Defendant
26 AON HEWITT INVESTMENT CONSULTING,
27 INC.

28 ¹ 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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Dated: June 19, 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: June 19, 2018

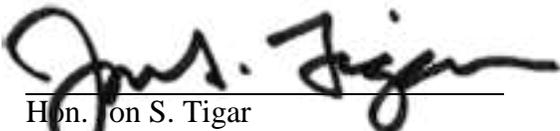
TRUCKER ♦ HUSS

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 deadline to file dispositive motions from June
28, 2018 to July 6, 2018 with the opposition due on July 20, 2018, reply due on July 26, 2018, and
the hearing on August 16, 2018, if the Court determines that oral argument is appropriate.

DATED: June 22, 2018


Jon S. Tigar
Hon. Jon S. Tigar
Judge of the United States District Court