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 7
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9 **IN THE UNITED STATES DISTRICT COURT**
 10 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

11 MARIA KARLA TERRAZA,)
 Individually and On Behalf of the)
 12 SAFEWAY 401(K) PLAN,)
)
 13 Plaintiff,)
 v.)
 14)
 15 SAFEWAY INC., BENEFIT PLANS)
 COMMITTEE SAFEWAY INC.,)
 and DOES NO. 1-10,)
 16 Whose Names Are Currently Unknown,)
)
 17 Defendants.)
 18

Case No. 16-cv-03994
STIPULATION AND
~~PROPOSED~~ ORDER

19 Pursuant to Federal Rules of Civil Procedure 15(a), and Local Rule 6-2, Plaintiff,
 20 MARLA KARLA TERRAZA (“Plaintiff”), and Defendants, SAFEWAY INC. and BENEFIT
 21 PLANS COMMITTEE SAFEWAY INC. (collectively, “Defendants”), hereby stipulate, by and
 22 through their respective counsel, to extend the time by which Plaintiff shall be permitted to file
 23 an Amended Complaint and for the date of the Initial Case Management Conference and, in
 24 support thereof, state as follows:

25 1. Plaintiff filed the Complaint in this action on or about July 14, 2016 and
 26 Defendants were served with the Complaint and Summons on or around August 23, 2016. The
 27 parties subsequently stipulated to extend the time for Defendants to answer or otherwise plead in
 28 response to the Complaint for a period of thirty (30) days and until October 17, 2016.

1 2. On October 17, 2016, Defendants filed a Motion to Dismiss the Complaint and
2 Motion to Strike Plaintiff's Jury Demand with a hearing date set for December 1, 2016.

3 3. Plaintiff's Response to the Motion to Dismiss and Motion to Strike would
4 normally be due on October 31, 2016 but Plaintiff has advised Defendants that, instead of
5 opposing the Motion to Dismiss and Motion to Strike, it intends to amend the Complaint as of
6 right pursuant to Fed.R.Civ.P. 15(a), which amendment would otherwise be due on November 7,
7 2016.

8 4. Defendants agree that, under such circumstances and in the interests of judicial
9 economy, Plaintiff need not oppose the Motion to Dismiss and Motion to Strike and, pursuant to
10 Fed.R.Civ.P. 15(a), Defendants have agreed to extend the time for Plaintiff to file an Amended
11 Complaint until November 18, 2016.

12 5. Plaintiff and Defendants also have agreed that Defendants should be provided
13 with thirty (30) days to answer or otherwise plead in response to the Amended Complaint and
14 that any such response will be due on December 19, 2016.

15 6. The Initial Case Management Conference is currently scheduled for November
16 16, 2016.

17 7. The parties agree that the Initial Case Management Conference should be held
18 after Plaintiff files her Amended Complaint and Defendants respond to the Amended Complaint
19 to ensure that the Initial Case Management Conference is as productive as possible.

20 8. As a result, the parties agree that the Initial Case Management Conference should
21 be held on December 21, 2016, with the Case Management Statement due on December 12,
22 2016.

23 9. Although this extension will alter a date set by Court Order, it is the first request
24 for extension of its kind in this case and the extension will defer the Initial Case Management
25 Conference for a period of thirty-five (35) days.

26 NOW, THEREFORE, Plaintiff and Defendants hereby stipulate and agree as follows:

27 1. Plaintiff shall file her Amended Complaint on or before November 18, 2016.
28

1 2. Plaintiff need not respond to Defendants' Motion to Dismiss or Motion to Strike,
2 which will be obviated by the Amended Complaint.

3 3. The hearing on Defendant's Motion to Dismiss and Motion to Strike set for
4 December 1, 2016 should be taken off calendar.

5 4. The parties shall submit their Initial Case Management Statement on or before
6 December 12, 2016.

7 5. Defendants shall answer or otherwise plead in response to the Amended
8 Complaint on or before December 19, 2016.

9 6. The Initial Case Management Conference shall be held on December 21, 2016, at
10 2:00 p.m.

11 Dated: October 28, 2016

Respectfully submitted,

SHEPHERD, FINKELMAN, MILLER
& SHAH, LLP

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Dated: October 28, 2016

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: November 1, 2016



Jon S. Tigar, J.