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

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN FRANCISCO
17

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

19 Plaintiff,

20 vs.

21 SAFEWAY INC., BENEFIT PLANS
22 COMMITTEE SAFEWAY INC.,
23 and DOES 1 to 100 inclusive,

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

**STIPULATION TO EXTEND TIME FOR
DEFENDANTS TO RESPOND TO
PLAINTIFF'S AMENDED COMPLAINT**

1 Pursuant to Federal Rule of Civil Procedure 12, and Local Rule 6-1(a), Defendants
2 SAFEWAY INC. and SAFEWAY BENEFIT PLANS COMMITTEE (collectively, “Defendants”)
3 and Plaintiff MARLA KARLA TERRAZA (“Plaintiff”) (Plaintiff and Defendants collectively
4 referred to as the “Parties”) hereby stipulate, by and through their respective counsel, to extend the
5 time by which Defendants have to respond to Plaintiff’s amended complaint (“Amended
6 Complaint”) and, in support thereof, state as follows:

7 WHEREAS, Plaintiff’s Amended Complaint was filed on November 18, 2016 (Docket No.
8 37);

9 WHEREAS, Defendants filed a motion to dismiss Plaintiff’s Amended Complaint on
10 January 5, 2017 (Docket No. 46);

11 WHEREAS, the Court denied Defendants’ motion to dismiss Plaintiff’s Amended
12 Complaint by order dated March 13, 2017 (Docket No. 65);

13 WHEREAS, Plaintiff’s counsel informed the Court and Defendants at the March 15, 2017
14 scheduling conference that Plaintiff intends to seek a stipulation to file a Second Amended
15 Complaint, and if said stipulation cannot be agreed upon, Plaintiff intends to file a motion for leave
16 to file a Second Amended Complaint;

17 WHEREAS, at the March 15, 2017 case management conference, the Court set a deadline to
18 add parties or amend the pleadings by March 31, 2017 (Docket No. 67);

19 WHEREAS, pursuant to Federal Rule of Civil Procedure 12(a)(4)(A), Defendants’ deadline
20 to respond to Plaintiff’s Amended Complaint is currently March 27, 2017;

21 WHEREAS, Defendants’ response to Plaintiff’s Amended Complaint will necessarily be
22 affected by amendment to Plaintiff’s Amended Complaint;

23 WHEREAS, this stipulation regarding an extension for Defendants to respond to Plaintiff’s
24 Amended Complaint will not alter any dates set by the Court;

25 NOW, THEREFORE, the Parties hereby stipulate and agree as follows:

- 26 1. Should the Parties stipulate to allow Plaintiff to further amend her Amended
27 Complaint, or if Plaintiff is granted leave to further amend her Amended Complaint
28 pursuant to a motion for leave, Defendants’ deadline to respond to Plaintiff’s Second

1 Amended Complaint shall be extended to twenty-one (21) days after Plaintiff's
2 Second Amended Complaint is filed.

3 2. Should the Court deny any motion for leave filed by Plaintiff to further amend her
4 Amended Complaint, Defendants' deadline to respond to Plaintiff's Amended
5 Complaint shall be extended to twenty-one (21) days after the Parties receive notice
6 of the Court's order denying said motion.

7 IT IS SO STIPULATED.

9 DATED: March 17, 2017

TRUCKER ♦ HUSS

10 By: /s/ R. Bradford Huss
11 R. Bradford Huss
12 Attorneys for Defendants
13 SAFEWAY INC. and SAFEWAY BENEFIT
14 PLANS COMMITTEE

15 DATED: March 17, 2017

SHEPHERD, FINKELMAN, MILLER & SHAH, LLP

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

21 I attest that my firm has obtained James E. Miller's concurrence in the filing of this
22 document.

23 DATED: March 17, 2017

TRUCKER ♦ HUSS

24 By: /s/ R. Bradford Huss
25 R. Bradford Huss
26 Attorneys for Defendants
27 SAFEWAY INC. and BENEFIT PLANS
28 COMMITTEE SAFEWAY INC.

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[PROPOSED] ORDER

Should the Parties stipulate to allow Plaintiff to further amend her Amended Complaint, or if Plaintiff is granted leave to further amend her Amended Complaint pursuant to a motion for leave, Defendants' deadline to respond to Plaintiff's Second Amended Complaint shall be extended to twenty-one (21) days after Plaintiff's Second Amended Complaint is filed.

Should the Court deny any motion for leave filed by Plaintiff to further amend her Amended Complaint, Defendants' deadline to respond to Plaintiff's Amended Complaint shall be extended to twenty-one (21) days after the Parties receive notice of the Court's order denying said motion.

IT IS SO ORDERED.

DATED: March 20, 2017



Hon. Jon S. Tigar
United States District