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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

DENNIS M. LORENZ, Individually and On
Behalf of All Others Similarly Situated,

Plaintiff,

vs.

SAFEWAY, INC.; SAFEWAY BENEFIT
PLANS COMMITTEE; GREAT-WEST
FINANCIAL RPS LLC; and DOES 1 through
50, inclusive,

Defendants.

Case No.: 3:16-cv-04903-JST

**JOINT STIPULATION AND [PROPOSED]
ORDER REGARDING BRIEFING
SCHEDULE ON DEFENDANTS'
RESPONSES TO PLAINTIFF'S
PROPOSED SECOND AMENDED
COMPLAINT AND CASE MANAGEMENT
CONFERENCE**

JOINT STIPULATION AND [PROPOSED] ORDER REGARDING BRIEFING SCHEDULE
ON DEFENDANTS' RESPONSES TO PLAINTIFF'S PROPOSED SECOND AMENDED COMPLAINT AND CASE
MANAGEMENT CONFERENCE

Dennis Lorenz v. Safeway, Inc., Case No. 3:16-cv-04903-JST

1 Plaintiff Dennis Lorenz (“Plaintiff”) and Defendants Safeway Inc., Safeway Benefit Plans
2 Committee (collectively, “Safeway”), and Great-West Financial RPS LLC (“Great-West”)
3 (collectively, Safeway and Great-West are referred to herein as “Defendants,” and together with
4 Plaintiff “the Parties”), by and through their respective counsel of record, jointly submit this
5 Stipulation seeking an Order Modifying the Briefing Schedule on Defendant’s Response to
6 Plaintiff’s Proposed Second Amended Complaint. By this stipulation, the Parties (1) consent to
7 the filing of Plaintiff’s Second Amended Complaint and seek an Order granting Plaintiff leave to
8 file his Second Amended Complaint, (2) seek an Order setting the deadline by which Defendants
9 must respond to Plaintiff’s Second Amended Complaint as December 15, 2016, and (3) seek an
10 Order setting the deadline for the Parties to submit the Joint Case Management Statement by
11 December 15, 2016 and continuing the Case Management Conference to December 22, 2016. In
12 support of such relief, the Parties state as follows:

13 1. The Complaint in this action was filed on August 25, 2016. On September 16, 2016,
14 Plaintiff filed an Amended Complaint (ECF No. 7). By Stipulation, Defendants’ time for
15 responding to the Amended Complaint was extended to November 15, 2016. (ECF Nos. 16 and
16 18).

17 2. On November 7, 2016, this matter was reassigned to Judge Donato, and an Initial
18 Case Management Conference was set for December 1, 2016. (ECF No. 24).

19 3. On November 14, 2016, and pursuant to a Motion for Administrative Relief to
20 Consider Whether Cases Should be Related in Maria Terraza v. Safeway Inc., et al., Case No. 16-
21 cv-03994 (“the Terraza matter”), this matter was found to be related to the Terraza matter and
22 reassigned to this Court. Related Case Order, Terraza v. Safeway Inc., et al., Case No. 16-cv-
23 03994, ECF No. 35 (Nov. 14, 2016).

24 4. Plaintiff seeks to file a Second Amended Complaint.

25 5. The Parties have met and conferred regarding Plaintiff’s proposed Second Amended
26 Complaint, and in so doing Plaintiff circulated the draft of that complaint attached hereto as
27

1 **Exhibit A**, which tracks the differences between Plaintiff's Amended Complaint and proposed
2 Second Amended Complaint.

3 6. While Defendants consent to the filing of the Second Amended Complaint, they do
4 not waive any arguments that may be made against the Second Amended Complaint, including but
5 not limited to those under Federal Rule of Civil Procedure 12.

6 7. The Parties have discussed the briefing schedule for Defendants to respond to the
7 Second Amended Complaint and agree that Defendants' responses to the Second Amended
8 Complaint shall be filed no later than December 15, 2016. The Parties agree that the Initial Case
9 Management Conference should be held after Plaintiff files the Second Amended Complaint and
10 Defendants respond to the Second Amended Complaint to ensure that the Case Management
11 Conference is as productive as possible.

12 8. Therefore, the Parties agree that the Initial Case Management Conference should be
13 held on December 22, 2016 with the Joint Case Management Statement due on December 15,
14 2016.

15 ACCORDINGLY, THE PARTIES HEREBY STIPULATE and request that the Court orders as
16 follows:

- 17 (1) Plaintiff is granted leave to file his Second Amended Complaint forthwith.
18 (2) Defendants' responses to the Plaintiffs' Second Amended Complaint shall be filed no
19 later than December 15, 2016.
20 (3) The parties will submit the Case Management Statement on December 15, 2016.
21 (4) The Initial Case Management Conference shall be held at December 22, 2016 at 1:30
22 p.m.

23
24 SO STIPULATED:

25 Dated: November 14, 2016

26 /s/ Jason H. Kim
27 SCHNEIDER WALLACE
COTTRELL KONECKY WOTKYNS LLP

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Dated: November 14, 2016

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ATTESTATION

I attest that concurrence in the filing of this document has been obtained from each of the other signatories.

Dated: November 14, 2016


/s/ Jason H. Kim
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[PROPOSED] ORDER

Plaintiff is granted leave to file his Second Amended Complaint and Defendants shall file their responses to the Second Amended Complaint no later than December 15, 2016. ~~The Case Management Conference shall be held on December 22, 2016 at 1:30 p.m. with the Case Management Statement to be filed no later than December 15, 2016.~~

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: November 15, 2016



JON S. TIGAR
United States District Judge