

1 PLEASE TAKE NOTICE that the parties, by and through their respective counsel, hereby
2 stipulate as follows:

3 **WHEREAS** this Stipulation is entered into between Representative Plaintiff Michael Gilhuly
4 (“Plaintiff”) and Defendant KMART Corporation (“Defendant”), by and through their respective
5 counsel of record;

6 **WHEREAS** on May 6, 2010, the Court ordered the parties to complete private mediation by
7 October 1, 2010;

8 **WHEREAS** the first date on which the selected mediator and the parties are mutually
9 available is October 4, 2010;

10 **WHEREAS** the parties agree to extend the deadline by which to complete a private
11 mediation session to October 4, 2010;

12 **WHEREAS** the parties respectfully request that this Court enter an order in accordance with
13 this Stipulation to extend the mediation deadline to October 4, 2010.

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15 Accordingly, **IT IS HEREBY STIPULATED AND AGREED** by the parties through their
16 respective counsel of record that the private mediation session shall be completed by October 4,
17 2010.

18
19 Dated: August 18, 2010

SCOTT COLE & ASSOCIATES, APC

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21 By: /s/ Molly A. Kuehn
22 Molly A. Kuehn, Esq.
23 Attorneys for the Representative Plaintiff
and the Plaintiff Class

24
25 Dated: August 18, 2010

SONNENSCHN NATH & ROSENTHAL LLP

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27 By: /s/ Gayle M. Athanacio
28 Gayle M. Athanacio, Esq.
Attorneys for Defendant
KMART CORPORATION

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[PROPOSED] ORDER

For good cause shown, **IT IS SO ORDERED.**

Dated: August 26, 2010

By:

The Hon. Phyllis J. Hamilton
United States District Judge

