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 8 KMART CORPORATION

9 **UNITED STATES DISTRICT COURT**
 10 **NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION**

12 MICHAEL GILHULY, individually, and on
 13 behalf of all others similarly situated,

14 Plaintiff,

15 vs.

16 KMART CORPORATION, and DOES 1
 through 100, inclusive,

17 Defendants.

Case No. 4:10-cv-0360-PJH (DMR)

CLASS ACTION

**STIPULATION AND [~~PROPOSED~~]
 ORDER CONTINUING SUBMISSION
 DATE FOR JOINT LETTER BRIEF RE
 DISCOVERY DISPUTE**

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20 Pursuant to Civil Local Rule 6-2 of the United States District Court for the Northern
 21 District of California, Plaintiff Michael Gilhuly (“Gilhuly”) and Defendant Kmart Corporation
 22 (“Kmart”), by and through their respective counsel, hereby stipulate and agree to the following:

23 On April 13, 2011, Plaintiff Gilhuly filed before the Honorable Phyllis J. Hamilton, a
 24 Motion to Compel Further Responses to Plaintiff’s Special Interrogatories (Set One) and Request
 25 for Production (Set One) (“Motion to Compel”), with a June 22, 2011 noticed hearing date.
 26 (Docket no. 30). On April 20, 2011, Judge Hamilton issued an Order referring the case to a
 27 Magistrate Judge for discovery purposes; the case was thereafter assigned to the Honorable
 28 Magistrate Judge Donna M. Ryu. (Docket no. 32). On April 21, 2011 Plaintiff re-noticed the

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STIPULATION AND [~~PROPOSED~~] ORDER
 CONTINUING SUBMISSION OF LETTER
 BRIEF RE DISCOVERY DISPUTE

1 Motion to Compel before Judge Ryu. Plaintiff thereafter re-noticed his Motion to Compel with
2 a May 26, 2011 hearing date. (Docket no. 33). Later that same day, Judge Ryu issued an Order
3 vacating the hearing date. In addition, the Court denied Plaintiff's Motion to Compel *without*
4 prejudice and ordered the parties to comply with certain discovery procedures including those
5 set forth in the subject April 21, 2011 Order. (Docket no. 44 [*Notice of Reference and Order re*
6 *Discovery Procedures*]). Pursuant to April 21, 2011 Order, the parties were required to further
7 meet and confer and are to submit a joint letter describing the discovery dispute. This joint letter
8 brief is currently due to be submitted no later than May 6, 2011.

9 Defendant has agreed to supplement the interrogatory and document request which are
10 the subject of Plaintiff's Motion to Compel and will serve Plaintiff with these supplemented
11 responses and will produce additional responsive documents no later than Friday, May 20, 2011.
12 Defendant believes it appropriate that its portion of the joint letter brief reflect the updated status
13 of its discovery responses. As such, Defendant requested, and Plaintiff agreed, that a stipulation
14 be presented to the Court asking that the joint letter brief due date be extended.

15 Consequently, the parties hereto stipulate and request that the due date for submission of
16 the joint letter brief regarding the discovery dispute be extended to Friday, May 20, 2011. No
17 prior requests for a continuance regarding discovery have been sought by the parties.

18 Dated: May 6, 2011 SNR DENTON US LLP
19
20 By: _____/S/
21 GAYLE M. ATHANACIO
22 Attorneys for Defendant
23 KMART CORPORATION

24 Dated: May 6, 2011 SCOTT COLE & ASSOCIATES, APC
25
26 By: _____/S/
27 MOLLY A. DESARIO
28 Attorneys for Plaintiff
MICHAEL GILHULY

