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 17 THE GYMBOREE CORPORATION

18 **UNITED STATES DISTRICT COURT**
 19 **NORTHERN DISTRICT OF CALIFORNIA**

20
 21 GALINA SEEBROOK, individually and on)
 behalf of all others similarly situated,)
 22)
 Plaintiffs,)
 23)
 v.)
 24)
 25 THE GYMBOREE CORPORATION d/b/a)
 26 CRAZY 8, a Delaware corporation,)
 Defendant.)
 27)

Case No. 4:11-cv-00839-SBA
**STIPULATION AND ORDER TO
 EXTEND PLAINTIFF'S TIME TO
 RESPOND TO DEFENDANT'S
 MOTION FOR SUMMARY
 JUDGMENT IN ORDER TO CONDUCT
 NECESSARY DISCOVERY**

1 Whereas, on February 23, 2011, Plaintiff Galina Seebrook (herein, "Plaintiff") filed a
2 class action complaint alleging that Defendant The Gymboree Corporation d/b/a Crazy 8 (herein,
3 "Defendant") violated the Song-Beverly Credit Card Act, Cal. Civil Code section 1747.08 by
4 requesting and recording its customers' personal identification information in conjunction with
5 credit card sales transactions;

6
7 Whereas, to date, the Parties have not conducted any formal discovery in this action;

8 Whereas, Defendant filed a motion for summary judgment or summary adjudication on
9 August 16, 2011;

10 Whereas, pursuant to Local Rule 7-3, the deadline for Plaintiff's opposition to
11 Defendant's motion for summary judgment to be filed is currently August 30, 2011;

12 Whereas, the Parties have met and conferred, and agree that Plaintiff should have until
13 November 4, 2011 to respond to Defendant's motion in order to provide Plaintiff with sufficient
14 time to conduct discovery necessary for Plaintiff's opposition, including (1) the deposition of
15 Donald Hendricks, a declarant in support of Defendant's motion, (2) written discovery regarding
16 Defendant's assertion of the "bona fide error" defense as articulated in the motion, and (3)
17 written discovery regarding the point-of-sale system and cashier training policies discussed in the
18 motion and Mr. Hendricks' declaration; and
19

20 Whereas, the Parties further agree that Defendant would have until November 18, 2011 to
21 reply to Plaintiff's opposition.
22

23 Now, therefore, Plaintiff and Defendant stipulate, agree, and request:

- 24 1) That the Court extend Plaintiff's time to respond to Defendant's motion for summary
25 judgment or summary adjudication until November 4, 2011; and
26 2) That the Court set Defendant's deadline to reply to Plaintiff's opposition as
27 November 18, 2011.
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SO STIPULATED.

Date: August 30, 2011

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

By: /s/ Brian R. Blackman
Brian R. Blackman
Attorneys for Defendant
The Gymboree Corporation

Date: August 30, 2011

HOFFMAN & LAZEAR

By: /s/ Chad A. Saunders
Chad A. Saunders
Attorneys for Plaintiff
Galina Seebrook

ECF ATTESTATION

I, Chad A. Saunders, am the ECF User whose ID and Password are being used to file this:

STIPULATION AND [PROPOSED] ORDER TO EXTEND PLAINTIFF'S TIME TO
RESPOND TO DEFENDANT'S MOTION FOR SUMMARY JUDGMENT IN
ORDER TO CONDUCT NECESSARY DISCOVERY

In compliance with General Order 45, X.B., I hereby attest that Brian Blackman
concurred in this filing.

Dated: August 30, 2011

HOFFMAN & LAZEAR

By: /s/ Chad A. Saunders
Chad A. Saunders

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ORDER

Pursuant to the stipulation of the parties, and good cause shown, it is hereby ORDERED that Plaintiff Galina Seebrook will have up to and including November 4, 2011 to file her response to Defendant The Gymboree Corporation's motion for summary judgment or summary adjudication (Dkt. 25). It is further ORDERED that Defendant shall have up to and including November 18, 2011 to reply to Plaintiff's opposition to Defendant's motion for summary judgment or summary adjudication.

Dated:9/1/11



Hon. Sandra Brown Armstrong
U.S. District Court Judge