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8 **UNITED STATES DISTRICT COURT**
 9 **NORTHERN DISTRICT OF CALIFORNIA**

10 MARTIN PETERSEN, an individual, on behalf) of himself and all others similarly situated,) 11 Plaintiff,) 12 vs.) 13 HOME DEPOT U.S.A., INC., a Delaware) corporation; and DOES 1 through 50, inclusive,) 14 Defendants.) 15 16 17	CASE NO. CV-11-1938-CW HONORABLE CLAUDIA WILKEN <u>CLASS ACTION</u> STIPULATION TO TRANSFER CASE <i>Complaint Filed: March 11, 2011</i>
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18 In addition to this case, there are three other substantially similar cases currently pending
 19 against Home Depot. Two of these cases, including the first filed case are pending in the Eastern
 20 District of California. See *Vaughan v. Home Depot U.S.A. Inc.*, Case No. 2:11-cv-01041-FCD-
 21 GGH (E.D. Cal.); and *Swaney v. Home Depot U.S.A. Inc.*, Case No. 2:11-cv-01129-JAM-DAD
 22 (E.D. Cal.).

23 Given that the majority of the federal cases, including the first filed case, are pending in
 24 the Eastern District, plaintiff Petersen and defendant Home Depot have stipulated and agreed that
 25 this case should be transferred to the Eastern District and coordinated with the *Vaughan* case.

26 A more thorough analysis and explanation of why this case should be transferred is set
 27 forth in Home Depot's Motion to Dismiss, Transfer, or Stay Plaintiff's case, which is currently
 28 scheduled to be heard on June 30, 2011. In light of the parties' stipulation to transfer the case, it

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1 is further requested that Home Depot's Motion be taken off calendar until after the Court rules
2 on this Stipulation and Proposed Order.

3 Accordingly, it is stipulated between the parties and their counsel of record that:

4 1. This case should be transferred to the United States District Court for the Eastern
5 District of California; and

6 2. Home Depot's Motion to Dismiss, Transfer, or Stay Plaintiff's Case should be
7 taken off calendar in light of the stipulated transfer.

8
9 APPROVED AND AGREED TO:

10 Date: June 9, 2011

HARRISON PATTERSON & O'CONNOR LLP

11
12 By: /s/ James R. Patterson
13 James R. Patterson
14 *Attorneys for Plaintiff*

15 Date: June 9, 2011

KING & SPALDING

16
17 By: /s/ Megan R. Nishikawa
18 Megan R. Nishikawa
19 *Attorneys for Defendant*
20 Home Depot U.S.A., Inc.

