

1 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP  
 A Limited Liability Partnership  
 2 Including Professional Corporations  
 P. CRAIG CARDON, Cal. Bar No. 168646  
 3 DAVID R. GARCIA, Cal. Bar No. 151349  
 ELIZABETH S. BERMAN, Cal. Bar No. 252377  
 4 BRIAN R. BLACKMAN, Cal. Bar No. 196996  
 Four Embarcadero Center, 17th Floor  
 5 San Francisco, California 94111-4109  
 Telephone: 415-434-9100  
 6 Facsimile: 415-434-3947  
 ccardon@sheppardmullin.com  
 7 drgarcia@sheppardmullin.com  
 eberman@sheppardmullin.com  
 8 bblackman@sheppardmullin.com

9 Attorneys for Defendant  
 EUROMARKET DESIGNS, INC.  
 10 d/b/a CRATE & BARREL

11 UNITED STATES DISTRICT COURT  
 12 NORTHERN DISTRICT OF CALIFORNIA

14 JESSICA SHUGHROU, an individual, on  
 15 behalf of herself and all others similarly  
 16 situated,

17 Plaintiffs,

18 v.

19 EUROMARKET DESIGNS, INC., an  
 Illinois corporation, and DOES 1 through  
 20 50, inclusive,

21 Defendants.

Case No. 4:11-cv-02325-LB

**CLASS ACTION**

**STIPULATION AND [~~Proposed~~]  
 ORDER STAYING PROCEEDINGS  
 PENDING DECISION ON  
 DEFENDANT'S MOTION TO  
 TRANSFER CASES PURSUANT TO 28  
 U.S.C. § 1407 FOR COORDINATED  
 OR CONSOLIDATED PRETRIAL  
 PROCEEDINGS**

Complaint Filed: May 11, 2011

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1                   WHEREAS, on March 1, 2011, Plaintiff Jessica Shughrou ("Plaintiff") filed  
2 her Complaint against Defendant Euromarket Designs, Inc. d/b/a Crate & Barrel ("Crate &  
3 Barrel") in the above-captioned case, *Shughrou v. Crate & Barrel*, Case No. 4:11-cv-  
4 02325-LB (N.D. Cal.) ("*Shughrou*");

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6                   WHEREAS, the following five related cases have also been filed against  
7 Crate & Barrel:

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- 9           1.     *Dardarian v. Crate & Barrel*, Case No. 3:11-cv-00945-JSW (N.D. Cal.)  
10                ("*Dardarian*")
  - 11
  - 12           2.     *O'Connor v. Crate & Barrel*, Case No. 3:11-cv-02140-SC (N.D. Cal.)  
13                ("*O'Connor*")
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  - 15           3.     *Salmonson v. Crate & Barrel*, Case No. 2:11-cv-02446-PSG -PLA (C.D.  
16                Cal.) ("*Salmonson*")
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  - 18           4.     *Heon v. Crate & Barrel*, Case No. 3:11-cv-00769-JLS -BGS (S.D. Cal.)  
19                ("*Heon*")
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  - 21           5.     *Campbell v. Crate & Barrel*, Case No. 3:11-cv-01368-JSW (N.D. Cal.)  
22                ("*Campbell*");

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24                   WHEREAS, plaintiffs in all six of these actions purport to represent a class  
25 of California consumers and allege that Crate & Barrel unlawfully requested and recorded  
26 personal identification information from customers who purchased goods using credit  
27 cards at Crate & Barrel's retail establishments;

28

1           WHEREAS, plaintiffs in all six actions allege that this practice violates  
2 California Civil Code § 1747.08 (the "Song-Beverly Credit Card Act" or "Act");

3  
4           WHEREAS, all six actions will require a court to resolve nearly identical  
5 factual issues relating to a single common defendant, Crate & Barrel;

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7           WHEREAS, the parties agree that centralization of all six actions for  
8 coordinated or consolidated pretrial proceedings is proper under 28 U.S.C. § 1407, because  
9 they share common factual questions, and also because centralization would be convenient  
10 and would promote the just and efficient conduct of pretrial proceedings;

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12           WHEREAS, on May 11, 2011, before the United States Judicial Panel on  
13 Multidistrict Litigation ("JPML"), Crate & Barrel filed a Motion to Transfer *Heon,*  
14 *Dardarian, O'Connor, Campbell and Salmonson* for coordinated or consolidated pretrial  
15 proceedings pursuant to 28 U.S.C. § 1407;

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17           WHEREAS, on May 31, 2011, Crate & Barrel filed a Notice of Tag-Along  
18 Action before the JPML seeking to centralize *Shughrou* together with the actions already  
19 encompassed by its Motion to Transfer;

20  
21           WHEREAS, all six actions are likely to be centralized because they share  
22 common factual questions, and also because centralization would be convenient and would  
23 promote the just and efficient conduct of pretrial proceedings. *See, e.g., In re Payless*  
24 *Shoesource, Inc., California Song-Beverly Credit Card Act Litig.*, 609 F. Supp. 2d 1372  
25 (J.P.M.L. 2009) (centralizing two putative class actions alleging identical violations of the  
26 Song-Beverly Credit Card Act).

1           WHEREAS, conducting pretrial proceedings while Crate & Barrel's Motion  
2 to Transfer is pending would impose an undue burden on the parties and the Court if the  
3 JPML ultimately grants Crate & Barrel's Motion to Transfer, because any pretrial  
4 proceedings conducted now would likely be wasted or need to be repeated;

5  
6           WHEREAS, neither party will suffer any prejudice, hardship or inequity if  
7 these proceedings are stayed pending the JPML's decision on Crate & Barrel's Motion to  
8 Transfer;

9  
10           WHEREAS, the Court has the inherent power to stay all proceedings  
11 pending the JPML's decision on Crate & Barrel's Motion to Transfer;

12  
13           WHEREAS, staying all proceedings pending the JPML's decision on Crate  
14 & Barrel's Motion to Transfer would serve the interests of judicial economy and  
15 efficiency, for all the reasons discussed above;

16  
17           WHEREAS, on June 1, 2011, the parties in *Dardarian* filed a substantially  
18 similar Stipulation and Proposed Order Staying Proceedings pending the JPML's decision  
19 on Crate & Barrel's Motion to Transfer;

20  
21           WHEREAS, on June 2, 2011, the parties in *Campbell* filed a substantially  
22 similar Stipulation and Proposed Order Staying Proceedings pending the JPML's decision  
23 on Crate & Barrel's Motion to Transfer;

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25           WHEREAS, on June 2, 2011, the parties in *O'Connor* filed a substantially  
26 similar Stipulation and Proposed Order Staying Proceedings pending the JPML's decision  
27 on Crate & Barrel's Motion to Transfer;

1           WHEREAS, on June 2, 2011, District Judge Jeffrey S. White entered orders  
2 staying the proceedings in *Dardarian* and *Campbell* pending the JPML's decision on Crate  
3 & Barrel's Motion to Transfer;

4  
5           WHEREAS, courts routinely stay all proceedings pending the JPML's  
6 determination of a motion to transfer based on the likelihood of transfer, the absence of  
7 prejudice, and the interests of judicial economy and efficiency. *See, e.g., Clark v. Payless*  
8 *Shoesource, Inc.*, Case No. 08-CV-08213 (C.D. Cal. Order filed Dec. 29, 2008) (entering  
9 stipulated order staying all proceedings in a putative class action alleging violations of the  
10 Song-Beverly Credit Card Act); *Oregon ex rel. Kroger v. Johnson & Johnson*, Case No.  
11 11-CV-86-AC, 2001 U.S. Dist. LEXIS 39187 (D. Or., Apr. 8, 2011) (granting motion to  
12 stay pending JPML decision on motion to transfer); *Barnes v. Equinox Group, Inc.*, Case  
13 No. C 10-03586, 2010 U.S. Dist. LEXIS 138863 (N.D. Cal., Dec. 30, 2010) (same);  
14 *Cottle-Banks v. Cox Communications, Inc.*, Case No. 10-cv-2133, 2010 U.S. Dist. LEXIS  
15 138195 (S.D. Cal., Dec. 30, 2010) (same); *Gordillo v. Bank of Am.*, Case No. 1:09-cv-  
16 01954, 2010 U.S. Dist. LEXIS 7954 (E.D. Cal., Jan. 13, 2010) (same); *Sanborn v.*  
17 *Asbestos Corp., Ltd.*, Case No. C 08-5260, 2009 U.S. Dist. LEXIS 7528 (N.D. Cal., Jan.  
18 27, 2009) (same); *Lyman v. Asbestos Defendants (B\*P)*, Case No. C 07-4240, 2007 U.S.  
19 Dist. LEXIS 78766 (N.D. Cal., Oct. 10, 2007) (same); *Nielsen v. Merck and Co.*, Case No.  
20 C 07-00076, 2007 U.S. Dist. LEXIS 21250 (N.D. Cal., Mar. 15, 2007) (same); *Collum v.*  
21 *Astrazenca Pharm., L.P.*, Case No. C 06-0662, 2006 U.S. Dist. LEXIS 64861 (N.D. Cal.,  
22 Aug. 29, 2006) (same); *Rivers v. The Walt Disney Co.*, 980 F. Supp. 1358, 1362 (C.D. Cal.  
23 1997) (granting motion to stay pending JPML decision on motion to transfer, holding:  
24 "[I]t appears that a majority of courts have concluded that it is often appropriate to stay  
25 preliminary pretrial proceedings while a motion to transfer and consolidate is pending with  
26 the MDL Panel because of the judicial resources that are conserved.");

1 NOW THEREFORE, it is stipulated by the undersigned counsel on behalf of  
2 the parties below, and subject to the Court's approval, that:

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4 All proceedings in this action are stayed pending the JPML's decision on  
5 Crate & Barrel's Motion to Transfer Cases for Consolidated or Coordinated Pretrial  
6 Proceedings (MDL No. 2260).

7  
8 **IT IS SO STIPULATED.**

9  
10 Dated: June 3, 2011 JACZKO GODDARD LLP

11  
12 By s/ Allison H. Goddard  
13 ALLISON H. GODDARD

14 Attorneys for Plaintiff  
15 JESSICA SHUGHROU

16 Dated: June 3, 2011 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

17  
18 By s/ Elizabeth S. Berman  
19 P. CRAIG CARDON  
20 DAVID R. GARCIA  
21 BRIAN R. BLACKMAN  
22 ELIZABETH S. BERMAN

23 Attorneys for Defendant  
24 EUROMARKET DESIGNS, INC.  
25 d/b/a CRATE & BARREL

26 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

27 Dated: June 6, 2011



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Laurel Beeler  
United States Magistrate Judge  
Northern District of California