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**\*E-FILED - 4/15/10\***

10 Counsel for Defendant

11 (Additional Counsel Listed Below)

12  
 13 UNITED STATES DISTRICT COURT  
 14 FOR THE NORTHERN DISTRICT OF CALIFORNIA

15 MARY SANBROOK, on behalf of herself  
 and all others similarly situated,

16 Plaintiff,

17 vs.

18 OFFICE DEPOT, INC., a corporation and  
 19 DOES 1-20,

20 Defendants.

Case No: C 07-05938 RMW

Judge: Hon. Ronald M. Whyte

**STIPULATED MOTION TO  
 AMEND ORDER PRELIMINARILY  
 APPROVING CLASS ACTION  
 SETTLEMENT AND ORDER**

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 22  
 23 The parties to this action hereby stipulate and move jointly to request an amendment to the  
 24 Court's March 15, 2010, Order Preliminarily Approving Class Action Settlement ("Preliminary  
 25 Approval Order"), in order to modify the period in which publication notice must occur. The  
 26 reason an amendment is necessary is that Defendant Office Depot, Inc. ("Office Depot"), has  
 27 learned from the third-party settlement administrator that the class notice to be published on two  
 28 Sundays in Parade Magazine and USA Weekend can be published no earlier than April 18, 2010,

1 and April 25, 2010, which dates are outside the thirty-day notice period set forth in the Class Action  
2 Settlement Agreement and the Preliminary Approval Order. Office Depot and Named Plaintiff  
3 agree that a reasonably short extension of the class notice period for publication notice is in the best  
4 interests of justice and will not prejudice the class in any way.

5  
6 Accordingly, the parties hereby stipulate and agree that Paragraph 10 of the Preliminary  
7 Approval Order should be amended, *nunc pro tunc*, to read:

8 10. Office Depot shall provide notice to the class in the form attached  
9 hereto as Exhibits 1 and 2 and in accordance with the class notice procedures set  
10 forth in the Settlement Agreement. With respect to mailed notice, notice shall be  
11 sent to those potential class members for whom Office Depot has contact  
12 information within thirty days of the entry of this Order. With respect to publication  
13 notice, notice shall be published in Parade Magazine or USA Weekend, as  
14 distributed in California newspapers (a current list of which newspapers is attached  
15 to this Order as Exhibit 3), within forty-five days of the entry of this Order.

16 DATED: March 22, 2010

Respectfully submitted,

17 /s/Barbara Quinn Smith  
18 Barbara Quinn Smith (Ohio Bar 0055328)  
19 (admitted *pro hac vice*)  
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12 **CLASS COUNSEL**

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14  
15 **PURSUANT TO STIPULATION, IT IS SO ORDERED** this 15 day of April, 2010.

16  
17 

18 RONALD M. WHYTE

19 United States District Judge

20  
21 Copies to:

22 Daniel F. Katz, Esq.

Paul T. Hourihan, Esq.

23 Thomas A. Hargett, Esq.

Barbara Quinn Smith, Esq.

24 Marnie Lambert, Esq.

25 Scott R. Kaufman, Esq.

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that this document(s) filed through the ECF system will be sent  
3 electronically to the registered participants as identified on the Notice of Electronic Filing (NEF)  
4 and paper copies will be sent to those indicated as non registered participants on March 22, 2010.

5 Dated: March 22, 2010

Respectfully submitted,

6 /s/ Beth A. Levene  
Beth A. Levene

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