

E-Filed 2/10/2011

1 Robert M. Gagliasso, Esq. SBN 162082
 2 Andrew V. Stearns, Esq. SBN 164849
 3 Steven M. Berki, Esq. SBN 245426
BUSTAMANTE, O'HARA & GAGLIASSO
 4 River Park Tower
 5 333 W. San Carlos St., 8th Floor
 6 San Jose, California 95110
 Telephone: (408) 977-1911
 rgagliasso@boglawyers.com
 astearns@boglawyers.com
 sberki@boglawyers.com

7 Attorneys for Plaintiffs
 8 MOLLY STEARNS, RUTH ROSE,
 9 DENNIS FULLER, BONNIE FULLER,
 DAN SCHLESINGER, KAREN WILLIAMS
 and BRYAN WILLIAMS

10
 11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA
 13 SAN JOSE DIVISION

15 MOLLY STEARNS, RUTH ROSE, DENNIS
 16 FULLER, BONNIE FULLER, DAN
 17 SCHLESINGER, KAREN WILLIAMS, AND
 BRYAN WILLIAMS

Plaintiffs,

vs.

20 SELECT COMFORT RETAIL
 CORPORATION, a Minnesota Corporation;
 21 BED BATH & BEYOND, INC., a New York
 Corporation; THE SLEEP TRAIN, INC., a
 22 California Corporation, and DOES 1
 through 50,000, inclusive,

Defendants.

) Case No. C08 02746 JF PVT
)
) **SECOND AMENDED STIPULATION TO**
) **CONTINUE TIME FOR: (1) FILING OF**
) **PLAINTIFFS' FIFTH AMENDED**
) **COMPLAINT; AND**
) **(2) RESPONDING TO PLAINTIFFS'**
) **FIFTH AMENDED COMPLAINT;**
) **AND [PROPOSED] ORDER**

Local Rule 6-1

Complaint Filed: April 25, 2008

25 IT IS HEREBY STIPULATED AND AGREED BY ALL PARTIES AND THEIR COUNSEL OF

26 RECORD:

27 //

1 WHEREAS, by Order dated September 21, 2010 the Court granted the Parties'
2 Stipulation to Continue Time For: (1) Filing of Plaintiffs' Fifth Amended Complaint; and (2)
3 Responding to Plaintiffs' Fifth Amended Complaint. [ECF Docket No. 97, 99].

4 WHEREAS, the Parties are actively engaged in settlement negotiations and exchange of
5 relevant documentation related to plaintiffs' claims.

6 WHEREAS, Plaintiffs intend to file and serve the Fifth Amended Complaint by January
7 31, 2011 in conformance with the Court's Order. [ECF Docket No. 97, 99].

8 WHEREAS, the Parties agree that substantive review and evaluation of documents
9 exchanged during the course of settlement negotiation will require further extension of the
10 deadline for filing of plaintiffs' Fifth Amended Complaint and defendants' Response.

11 WHEREAS, the parties believe that allowing further time for filing and responding to
12 the Fifth Amended Complaint will preserve the parties' and Court's resources and benefit
13 settlement negotiations.

14 WHEREAS, the parties agree to extend Plaintiffs' time to file the Fifth Amended
15 Complaint by forty-five (45) days to March 17, 2011.

16 WHEREAS, the parties agree to extend Defendants' time to respond to the Fifth
17 Amended Complaint by thirty (30) days.

18 NOW THEREFORE, the parties hereby agree and stipulate that Plaintiffs' time to file the
19 Fifth Amended Complaint is continued until March 17, 2011.

20 The parties further agree that Defendants' response to Plaintiffs' Fifth Amended
21 Complaint is hereby extended by thirty (30) days.

22 Dated: January 27, 2011

BUSTAMANTE, O'HARA & GALIASSO

23
24 By _____ /S/ _____

25 Andrew V. Stearns
26 Attorneys for Plaintiffs
27 MOLLY STEARNS, RUTH ROSE, DENNIS FULLER,
28 BONNIE FULLER, DAN SCHLESINGER, KAREN
WILLIAMS, AND BRIAN WILLIAMS

1 Dated: January 27, 2011

OPPENHEIMER WOLFF & DONNELLY LLP

2
3 By _____/S/_____
4 Andrew S. Hansen
5 Heidi A.O. Fisher
6 Attorneys for Defendants
7 SELECT COMFORT RETAIL CORPORATION, BED BATH
8 & BEYOND INC., and THE SLEEP TRAIN, INC.
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GENERAL ORDER 45(X)(B) STATEMENT

Pursuant to General Order No. 45(X)(b), I hereby attest that concurrence in the filing of this document has been obtained from counsel for Defendants SELECT COMFORT RETAIL CORPORATION, BED BATH & BEYOND INC., and THE SLEEP TRAIN, INC, and that I have retained in my possession all signatures of counsel subject to this stipulation.

By _____ /S/ _____
Andrew V. Stearns

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~~PROPOSED~~ ORDER

The Court, having considered the parties' Stipulation, the documents and records on file with the court, and finding good cause therefore, hereby orders:

Plaintiffs' time to file the Fifth Amended Complaint is continued until March 17, 2011; and Defendants time to respond to the Fifth Amended Complaint is extended thirty (30) days.

IT IS SO ORDERED.

Dated: 2/10/2011

By: 
Hon. Jeremy Fogel
United States District Court Judge