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

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

15	MOLLY STEARNS, RUTH ROSE, DENNIS)	Case No. C08 02746 JF PVT
16	FULLER, BONNIE FULLER, DAN)	
17	SCHLESINGER, KAREN WILLIAMS, AND)	STIPULATION TO CONTINUE TIME
17	BRYAN WILLIAMS)	FOR: (1) FILING OF PLAINTIFFS' FIFTH
18	Plaintiffs,)	AMENDED COMPLAINT; AND
19	vs.)	(2) RESPONDING TO PLAINTIFFS'
19)	FIFTH AMENDED COMPLAINT;
19)	AND [PROPOSED] ORDER
20	SELECT COMFORT RETAIL)	Local Rule 6-1
20	CORPORATION, a Minnesota Corporation;)	
21	BED BATH & BEYOND, INC., a New York)	
21	Corporation; THE SLEEP TRAIN, INC., a)	Complaint Filed: April 25, 2008
22	California Corporation, and DOES 1)	
22	through 50,000, inclusive,)	
23)	
23	Defendants.)	
24)	

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

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1 WHEREAS, by Order dated July 21, 2010, the Court granted Defendants' motion to
2 strike Plaintiffs' class allegations and dismiss the Third Amended Complaint; and denied
3 Plaintiffs' motion for leave to file Fourth Amended Complaint. [ECF Docket No. 93].

4 WHEREAS, the Court advised that Plaintiffs may file a new pleading as limited by the
5 Order. [EFC Docket No. 93].

6 WHEREAS, Plaintiffs intend to file and serve the Fifth Amended Complaint by August
7 20, 2010 in conformance with the Court's Order dated July 21, 2010.

8 WHEREAS, the parties are currently engaged in settlement negotiations involving the
9 all claims and parties involved in this litigation. Settlement negotiations are ongoing and are
10 not completed.

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 past August 20, 2010;

16 WHEREAS, the parties agree to extend Defendants' time to respond to the Fifth
17 Amended Complaint by fourteen (14) days.

18 NOW THEREFORE, the parties hereby agree and stipulate that Plaintiffs' time to file the
19 Fifth Amended Complaint is continued until September 22, 2010.

20 The parties further agree that Defendants' response to Plaintiffs' Fifth Amended
21 Complaint is hereby extended by fourteen (14) days. This extension does not affect the
22 fourteen (14) day timeline for responding pursuant to Federal Rules of Civil Procedure.

23 Dated: August 19, 2010 BUSTAMANTE, O'HARA & GALIASSO

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By _____/S/
Andrew V. Stearns
Attorneys for Plaintiffs
MOLLY STEARNS, RUTH ROSE, DENNIS FULLER,
BONNIE FULLER, DAN SCHLESINGER, KAREN
WILLIAMS, AND BRIAN WILLIAMS

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Dated: August 19, 2010

OPPENHEIMER WOLFF & DONNELLY LLP

By _____/S/_____
Andrew S. Hansen
Heidi A.O. Fisher
Attorneys for Defendants
SELECT COMFORT RETAIL CORPORATION, BED BATH
& BEYOND INC., and THE SLEEP TRAIN, INC.

PILLSBURY WINTHROP SHAW PITTMAN LLP

Dianne L. Sweeney
Attorneys for Defendants
SELECT COMFORT RETAIL CORPORATION, BED BATH
& 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 counsel for Plaintiffs MOLLY STEARNS, RUTH ROSE, DENNIS FULLER, BONNIE FULLER, DAN SCHLESINGER, KAREN WILLIAMS, and BRIAN WILLIAMS.

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 September 22, 2010; and Defendants time to respond to the Fifth Amended Complaint is extended fourteen (14) days. This extension to defendants does not affect the fourteen (14) day timeline for responding pursuant to Federal Rules of Civil Procedure.

IT IS SO ORDERED.

Dated: 8/19/10

By: 
Hon. Jeremy Fogel
United States District Court Judge