

E-Filed 9/21/2010

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 8 MOLLY STEARNS, RUTH ROSE,
 9 DENNIS FULLER, BONNIE FULLER,
 10 DAN SCHLESINGER, KAREN WILLIAMS
 11 and BRYAN WILLIAMS

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
 18 BRYAN WILLIAMS

Plaintiffs,

19 vs.

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

Defendants.

) Case No. C08 02746 JF PVT
)
) **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:

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1 WHEREAS, by Order dated August 19, 2010, the Court granted the Parties' Stipulation
2 to Continue Time For: (1) Filing of Plaintiffs' Fifth Amended Complaint; and (2) Responding to
3 Plaintiffs' Fifth Amended Complaint. [ECF Docket No. 95].

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
7 September 22, 2010 in conformance with the Court's Order. [ECF Docket No. 95].

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 ninety (90) days to December 15, 2010.

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 December 15, 2010.

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

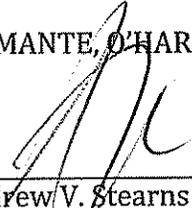
22 Dated: September 16, 2010

BUSTAMANTE, O'HARA & GALIASSO

23

24

By


Andrew V. Stearns

Attorneys for Plaintiffs

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MOLLY STEARNS, RUTH ROSE, DENNIS FULLER,

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BONNIE FULLER, DAN SCHLESINGER, KAREN

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WILLIAMS, AND BRIAN WILLIAMS

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Dated: September 16, 2010

OPPENHEIMER WOLFF & DONNELLY LLP

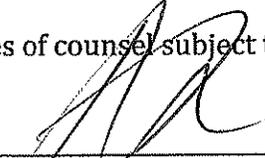
By  _____

Andrew S. Hansen
Heidi A.O. Fisher
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 that I have retained in my possession all signatures of counsel subject to this stipulation.

By 

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 December 15, 2010; and Defendants time to respond to the Fifth Amended Complaint is extended thirty (30) days.

IT IS SO ORDERED.

Dated: September 21, 2010

By: 
Hon. Jeremy Fogel
United States District Court Judge