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6 Attorneys for Defendant
   COSTCO WHOLESALE CORPORATION

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UNITED STATES DISTRICT COURT

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FOR THE NORTHERN DISTRICT OF CALIFORNIA

10

SAN JOSE DIVISION

11

12 KAREN THOMAS, individually and on behalf   **Case No. 5:12-CV-02908-EJD-PSG**
    of all others similarly situated,

13   STIPULATION AND [PROPOSED] ORDER
                 Plaintiff,   REGARDING ADR COMPLETION
14   DEADLINE AND MOTION TO DISMISS
         v.   SCHEDULING
15
    COSTCO WHOLESALE CORPORATION,
16
                 Defendant.
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18   WHEREAS, the Complaint was filed in this putative class action on June 5, 2012, alleging

19 that labeling on Kirkland Signature Kettle Brand Potato Chips constituted, among other things, a

20 violation of California's Sherman Law, false advertising, unfair competition, and a breach of

21 warranty;

22   WHEREAS, Defendant moved to dismiss the Complaint on September 9, 2012;

23   WHEREAS, on September 21, 2012 and in anticipation of a September 28, 2012 case

24 management conference, the Parties filed a joint case management statement indicating their

25 agreement to mediate once the case is at issue and some level of discovery has been taken;

26   WHEREAS, on September 25, 2012, the Court vacated the case management conference and

27 ordered the Parties to complete early neutral evaluation by December 24, 2012;

28   WHEREAS, on September 28, 2012, Plaintiff mooted the pending motion to dismiss by

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101 California Street
San Francisco, CA 94111-5802

1   filing a 53-page Amended Complaint, adding a new named plaintiff and allegations relating to eight

2   additional Costco products not included in the original Complaint;

3   WHEREAS, the Parties have agreed that Defendant shall have until November 15, 2012 to

4   respond to the Amended Complaint and have agreed to the following briefing schedule for a motion

5   to dismiss: Plaintiff's opposition shall be due December 14, 2012, Defendant's reply shall be due

6   January 7, 2013, and a hearing on the motion shall be held on January 18, 2012 at 9:00 a.m., which

7   has been reserved with the Court clerk;

8   WHEREAS, the Parties have agreed, and discussed with the ADR administrator on their

9   October 3, 2012 ADR conference call, that alternative dispute resolution will be most fruitful if and

10   when the case is at issue;

11   NOW THEREFORE, the Parties stipulate and request that the Court (1) extend the deadline

12   for the Parties to complete early neutral evaluation to March 29, 2013, and (2) enter the briefing

13   schedule set forth above.

14   Dated: October 5, 2012   WINSTON & STRAWN LLP

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16   By: */s/ Amanda L. Groves*
                                                    Amanda L. Groves
17   WINSTON & STRAWN LLP
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20
                                                    Attorneys for Defendant Costco Wholesale
21   *Corporation*

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1   Dated: October 5, 2012   Respectfully submitted,

2   PRATT & ASSOCIATES

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4   By: */s/ Ben F. Pierce Gore*
                                                      Ben F. Pierce Gore
                                                      PRATT & ASSOCIATES
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6   Telephone: (408) 429-6506
                                                      Fax: (408) 369-00752
7   pgore@prattattorneys.com

8   *Attorneys for Plaintiff, Karen Thomas*

9

10   I, Amanda L. Groves, hereby attest, pursuant to Civil Local Rule 5-1 that I have obtained

11   concurrence in the filing of this document from each of the other signatories.

12   */s/ Amanda L. Groves*
                                                      Amanda L. Groves
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[PROPOSED] ORDER

Pursuant to stipulation, IT IS HEREBY ORDERED that:

The Parties shall complete early neutral evaluation by March 29, 2013.

Defendant's response to the Amended Complaint shall be filed and served on November 15, 2012.

The following briefing schedule shall apply for a motion to dismiss the amended complaint: Plaintiff's opposition is due December 14, 2012, Defendant's reply is due January 7, 2013, and a hearing on the motion shall be held on January 18, 2013 at 9:00 a.m.

IT IS SO ORDERED.

Dated _____10/10/2012_____

JUDGE EDWARD J. DAVILA

STIPULATION AND [PROPOSED] ORDER
Case No. 5:12-CV-02908-EJD-PSG