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10 Attorneys for Defendant
 AEROGROUP RETAIL HOLDINGS, INC.

11
 12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA
 14 SAN JOSE DIVISION
 15

16 JESSICA SANCHEZ, on behalf of
 herself and all others similarly
 17 situated,

18 Plaintiff,

19 v.

20 AEROGROUP RETAIL
 HOLDINGS, INC., Delaware
 21 Corporation doing business in
 California; and DOES 1-50,

22 Defendants.
 23

Case No. CV12-05445 LHK

**STIPULATION TO ALLOW
 DEFENDANT TO FILE LIMITED
 SURREPLY; ~~PROPOSED~~ ORDER**

Date: Mar. 7, 2013
 Time: 1:30 p.m.
 Courtroom: 8

First Amended Complaint Filed:
 Sept. 20, 2012

1 WHEREAS, on November 19, 2012, plaintiff Jessica Sanchez (“Plaintiff”)
2 filed a Motion to Remand [Dkt Nos. 14-17] (“Motion”), in which Plaintiff argued
3 that the instant action should be remanded to California Superior Court because her
4 “original Complaint put Defendant on notice that the amount in controversy was
5 over \$75,000.00 just with Plaintiff’s claims under California Labor Code Section
6 1197.1 alone, without the additional claims in the Complaint” (Motion at 4);

7 WHEREAS, on December 3, 2012, defendant Aerogroup Retail Holdings,
8 Inc. (“Defendant”) filed an Opposition to Motion to Remand [Dkt. 22]
9 (“Opposition”), in which Defendant argued that Plaintiff’s Motion should fail
10 because penalties under Labor Code section 1197.1 cannot be aggregated for
11 purposes of calculating the amount in controversy;

12 WHEREAS, on December 10, 2012, Plaintiff filed a Reply in Support of
13 Plaintiff’s Motion to Remand [Dkt. 24] (“Reply”), in which Plaintiff asserted the
14 argument that the time for removal of this action was triggered as a result of notice
15 to Defendant concerning the potential or impending assertion of a claim under
16 California’s Private Attorneys General Act of 2004 (“PAGA”), prior to the filing of
17 Plaintiff’s First Amended Complaint;

18 WHEREAS, it is Defendant’s position that a limited surreply is necessary to
19 address Plaintiff’s PAGA argument;

20 WHEREAS, Plaintiff does not object to the Court granting leave to
21 Defendant to file the proposed surreply;

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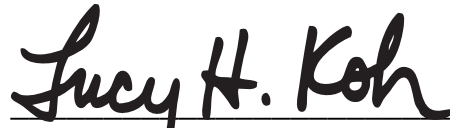
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~~PROPOSED~~ ORDER

Defendant is hereby granted permission to file a one page surreply, which shall be filed by December 17, 2012. The parties are advised that future requests to file surreplies are disfavored and are likely to be denied.

Dated: December 14, 2012



Honorable Lucy H. Koh
U.S. District Court Judge

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