

Christopher W. Keegan (SBN 232045)  
Shayne H. Henry (SBN 300188)  
KIRKLAND & ELLIS LLP  
555 California Street  
San Francisco, CA 94104  
Tel: 415-439-1400  
Fax: 415-439-1500  
Email: chris.keegan@kirkland.com  
Email: shayne.henry@kirkland.com

*Attorneys for Defendants  
Save Mart Supermarkets LLC and  
Save Mart Select Retiree Health Benefit Plan*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

KATHERINE BAKER, et al.,

Plaintiffs,

v.

SAVE MART SUPERMARKETS and  
SAVE MART SELECT RETIREE  
HEALTH BENEFIT PLAN,

Defendants.

CASE NO.: 3:22-CV-04645-AMO

Judge: Hon. Araceli Martínez-Olguín

**STIPULATION AND ~~PROPOSED~~  
ORDER GRANTING AGREED STAY  
OF ACTION \*AS MODIFIED BY THE  
COURT\***

1 WHEREAS, on August 11, 2022, Plaintiffs filed the above-captioned action against Defendant  
2 Save Mart Supermarkets (ECF 1); and

3 WHEREAS, on February 27, 2024, Plaintiffs filed a Second Amended Complaint against  
4 Defendants Save Mart Supermarkets and Save Mart Select Retiree Health Benefit Plan (ECF 70); and

5 WHEREAS, on March 12, 2024, Defendants answered the Second Amended Complaint (ECF 74);  
6 and

7 WHEREAS, on July 3, 2024, Plaintiffs filed their Motion for Class Certification (ECF 79), which  
8 Defendants opposed on September 19, 2024 (ECF 99), and Plaintiffs replied on October 17, 2024 (ECF  
9 104); and

10 WHEREAS, the parties also briefed Plaintiffs' Administrative Motion to Strike Save Mart's  
11 Appendices (ECF 102, 103); and

12 WHEREAS, a hearing on Plaintiff's Motion for Class Certification is scheduled for January 9,  
13 2025 (ECF 105); and

14 WHEREAS, the parties held an in-person mediation on November 6, 2024, and have been  
15 negotiating a resolution of this action since that time; and

16 WHEREAS, the parties have reached an agreement-in-principle to resolve this action; and

17 WHEREAS, the parties believe that a stay of this action to allow the parties to focus their efforts  
18 on finalizing a settlement, free from competing litigation obligations in this action and without burdening  
19 the Court with potentially unnecessary motions and disputes, is in the best interest of the parties and will  
20 preserve judicial resources; and

21 WHEREAS, this Court has the inherent power to stay this action. *See Landis v. N. Am. Co.*, 299  
22 U.S. 248, 254 (1936) ("[T]he power to stay proceedings is incidental to the power inherent in every court  
23 to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel,  
24 and for litigants."); and

25 WHEREAS, the parties have not previously requested a stay of this action or a postponement of  
26 the hearing on Plaintiffs' Motion for Class Certification, but they have previously requested other time  
27 modifications in this case (*see* ECF Nos. 21, 27, 40, 59, 62, 64, 71, 85); and

28 WHEREAS, the requested stay will hold all remaining case deadlines in abeyance.

**NOW, THEREFORE**, in consideration of the foregoing, and pursuant to Local Rules 6-2 and 7-12, the parties stipulate and agree, subject to the Court's approval, that:

1. This action is stayed in its entirety until April 7, 2025, unless the parties jointly request that the Court vacate the stay earlier.
2. The hearing on Plaintiffs' Motion for Class Certification, currently scheduled for January 9, 2025, is vacated.
3. The parties will submit a joint status report updating the Court regarding the progress of their efforts to finalize a settlement agreement on February 5, 2025, March 7, 2025, and April 7, 2025.
4. Except as specifically set forth herein, all rights, claims, and defenses of the parties are fully preserved.

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DATED: January 6, 2025

Respectfully submitted,

KIRKLAND & ELLIS LLP

/s/ Shayne H. Henry

Shayne H. Henry (SBN 300188)

*Attorneys for Defendants*

DATED: January 6, 2025

Respectfully submitted,

LIEFF CABRASER HEIMANN & BERNSTEIN, LLP

/s/ Anne B. Shaver

Anne B. Shaver

*Attorneys for Plaintiffs and the Proposed Class*

#### ATTESTATION OF FILING

I, Shayne Henry, hereby attest pursuant to Northern District of California Local Rule 5-1(i)(3) that concurrence to the filing of this document has been obtained from each signatory hereto.

DATED: January 6, 2025

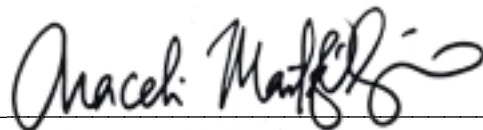
/s/ Shayne H. Henry

Shayne H. Henry (SBN 300188)

*Attorneys for Defendants*

**PURSUANT TO STIPULATION, IT IS SO ORDERED. IT IS FURTHER ORDERED** that the pending motion for class certification (ECF 79) and all attendant motions (ECF 78, 101, 102) are terminated subject to resubmission should the stay be lifted.

DATED: January 6, 2025



The Honorable Araceli Martínez-Olguín  
United States District Judge