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18 UNITED STATES DISTRICT COURT
19 NORTHERN DISTRICT OF CALIFORNIA
20 SAN JOSE DIVISION

21 JEFF MAINS, an individual, on his own behalf
22 and on behalf of all others similarly situated,

23 Plaintiff,

24 v.

25 WHOLE FOODS MARKET
CALIFORNIA, INC, *et al.*

26 Defendants.
27
28

Case No. CV12-05652 EJD

CLASS ACTION

**JOINT TRIAL SETTING CONFERENCE
STATEMENT WITH NOTICE OF
SETTLEMENT AND [PROPOSED] ORDER**

Date: November 15, 2018
Time: 11:00 a.m.
Judge: Hon. Edward J. Davila
Action Filed: April 13, 2012

1 The parties, Jeff Mains (“Plaintiff”) and Whole Foods Market California, Inc., Mrs. Gooch’s
2 Natural Food Markets, Inc., WFM-WO, Inc., and WFM Private Label, L.P. (collectively “Defendants”)
3 submit this Joint Trial Setting Conference Statement pursuant to this Court’s Order of February 6, 2018
4 (Dkt. 78).

5 On October 31, 2018, the Parties reached a settlement in principle. The Parties are in the process
6 of documenting the settlement and expect to have a fully executed settlement agreement, and possibly a
7 Stipulation of Voluntary Dismissal on file, before the Trial Setting Conference on November 15, 2018.
8 Accordingly, the Parties provide notice of their settlement in lieu of the topics designated for inclusion
9 in a Joint Trial Setting Conference Statement.

10 The Parties respectfully request that the Court continue the Trial Setting Conference sixty (60)
11 days to allow time for Parties to complete the settlement agreement and file a Stipulation of Voluntary
12 Dismissal.

13
14 DATED: November 5, 2018

PROVOST UMPHREY LAW FIRM L.L.P.

15 By: W. Michael Hamilton
16 W. Michael Hamilton
17 Attorneys for Plaintiff

18 DATED: November 5, 2018

PRATT & ASSOCIATES.

19 By: /s/ Pierce Gore
20 Pierce Gore
21 Attorneys for Plaintiff

22 DATED: November 5, 2018

SEYFARTH SHAW LLP

23 By: /s/ Joseph J. Orzano
24 Joseph J. Orzano
25 Attorneys for Defendants
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27
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[PROPOSED] ORDER

PURSUANT TO THE PARTIES JOINT REQUEST, AND GOOD CAUSE APPEARING,

IT IS SO ORDERED that:

1. The Trial Setting Conference is continued from November 15, 2018 to January 17, 2019 at 2 p.m.
2. A Joint Trial Setting Conference Statement shall be filed, if necessary, no later than January 7, 2019.

Dated: _____

The Honorable Edward J. Davila

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