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9 Attorneys for Defendant
 EUROMARKET DESIGNS, INC.
 10 d/b/a CRATE & BARREL

11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA
 13

14 JESSICA SHUGHROU, an individual, on
 15 behalf of herself and all others similarly
 16 situated,

17 Plaintiffs,

18 v.

19 EUROMARKET DESIGNS, INC., an
 Illinois corporation, and DOES 1 through
 20 50, inclusive,

21 Defendants.

Case No. 4:11-cv-02325-LB

CLASS ACTION

**STIPULATION AND [~~Proposed~~]
 ORDER STAYING PROCEEDINGS
 PENDING DECISION ON
 DEFENDANT'S MOTION TO
 TRANSFER CASES PURSUANT TO 28
 U.S.C. § 1407 FOR COORDINATED
 OR CONSOLIDATED PRETRIAL
 PROCEEDINGS**

Complaint Filed: May 11, 2011

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1 WHEREAS, on March 1, 2011, Plaintiff Jessica Shughrou ("Plaintiff") filed
2 her Complaint against Defendant Euromarket Designs, Inc. d/b/a Crate & Barrel ("Crate &
3 Barrel") in the above-captioned case, *Shughrou v. Crate & Barrel*, Case No. 4:11-cv-
4 02325-LB (N.D. Cal.) ("*Shughrou*");

5
6 WHEREAS, the following five related cases have also been filed against
7 Crate & Barrel:

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9 1. *Dardarian v. Crate & Barrel*, Case No. 3:11-cv-00945-JSW (N.D. Cal.)
10 ("*Dardarian*")
- 11
12 2. *O'Connor v. Crate & Barrel*, Case No. 3:11-cv-02140-SC (N.D. Cal.)
13 ("*O'Connor*")
- 14
15 3. *Salmonson v. Crate & Barrel*, Case No. 2:11-cv-02446-PSG -PLA (C.D.
16 Cal.) ("*Salmonson*")
- 17
18 4. *Heon v. Crate & Barrel*, Case No. 3:11-cv-00769-JLS -BGS (S.D. Cal.)
19 ("*Heon*")
- 20
21 5. *Campbell v. Crate & Barrel*, Case No. 3:11-cv-01368-JSW (N.D. Cal.)
22 ("*Campbell*");

23
24 WHEREAS, plaintiffs in all six of these actions purport to represent a class
25 of California consumers and allege that Crate & Barrel unlawfully requested and recorded
26 personal identification information from customers who purchased goods using credit
27 cards at Crate & Barrel's retail establishments;

1 WHEREAS, plaintiffs in all six actions allege that this practice violates
2 California Civil Code § 1747.08 (the "Song-Beverly Credit Card Act" or "Act");

3
4 WHEREAS, all six actions will require a court to resolve nearly identical
5 factual issues relating to a single common defendant, Crate & Barrel;

6
7 WHEREAS, the parties agree that centralization of all six actions for
8 coordinated or consolidated pretrial proceedings is proper under 28 U.S.C. § 1407, because
9 they share common factual questions, and also because centralization would be convenient
10 and would promote the just and efficient conduct of pretrial proceedings;

11
12 WHEREAS, on May 11, 2011, before the United States Judicial Panel on
13 Multidistrict Litigation ("JPML"), Crate & Barrel filed a Motion to Transfer *Heon*,
14 *Dardarian*, *O'Connor*, *Campbell* and *Salmonson* for coordinated or consolidated pretrial
15 proceedings pursuant to 28 U.S.C. § 1407;

16
17 WHEREAS, on May 31, 2011, Crate & Barrel filed a Notice of Tag-Along
18 Action before the JPML seeking to centralize *Shughrou* together with the actions already
19 encompassed by its Motion to Transfer;

20
21 WHEREAS, all six actions are likely to be centralized because they share
22 common factual questions, and also because centralization would be convenient and would
23 promote the just and efficient conduct of pretrial proceedings. *See, e.g., In re Payless*
24 *Shoesource, Inc., California Song-Beverly Credit Card Act Litig.*, 609 F. Supp. 2d 1372
25 (J.P.M.L. 2009) (centralizing two putative class actions alleging identical violations of the
26 Song-Beverly Credit Card Act).

1 WHEREAS, conducting pretrial proceedings while Crate & Barrel's Motion
2 to Transfer is pending would impose an undue burden on the parties and the Court if the
3 JPML ultimately grants Crate & Barrel's Motion to Transfer, because any pretrial
4 proceedings conducted now would likely be wasted or need to be repeated;

5
6 WHEREAS, neither party will suffer any prejudice, hardship or inequity if
7 these proceedings are stayed pending the JPML's decision on Crate & Barrel's Motion to
8 Transfer;

9
10 WHEREAS, the Court has the inherent power to stay all proceedings
11 pending the JPML's decision on Crate & Barrel's Motion to Transfer;

12
13 WHEREAS, staying all proceedings pending the JPML's decision on Crate
14 & Barrel's Motion to Transfer would serve the interests of judicial economy and
15 efficiency, for all the reasons discussed above;

16
17 WHEREAS, on June 1, 2011, the parties in *Dardarian* filed a substantially
18 similar Stipulation and Proposed Order Staying Proceedings pending the JPML's decision
19 on Crate & Barrel's Motion to Transfer;

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21 WHEREAS, on June 2, 2011, the parties in *Campbell* filed a substantially
22 similar Stipulation and Proposed Order Staying Proceedings pending the JPML's decision
23 on Crate & Barrel's Motion to Transfer;

24
25 WHEREAS, on June 2, 2011, the parties in *O'Connor* filed a substantially
26 similar Stipulation and Proposed Order Staying Proceedings pending the JPML's decision
27 on Crate & Barrel's Motion to Transfer;

1 WHEREAS, on June 2, 2011, District Judge Jeffrey S. White entered orders
2 staying the proceedings in *Dardarian* and *Campbell* pending the JPML's decision on Crate
3 & Barrel's Motion to Transfer;

4
5 WHEREAS, courts routinely stay all proceedings pending the JPML's
6 determination of a motion to transfer based on the likelihood of transfer, the absence of
7 prejudice, and the interests of judicial economy and efficiency. *See, e.g., Clark v. Payless*
8 *Shoesource, Inc.*, Case No. 08-CV-08213 (C.D. Cal. Order filed Dec. 29, 2008) (entering
9 stipulated order staying all proceedings in a putative class action alleging violations of the
10 Song-Beverly Credit Card Act); *Oregon ex rel. Kroger v. Johnson & Johnson*, Case No.
11 11-CV-86-AC, 2001 U.S. Dist. LEXIS 39187 (D. Or., Apr. 8, 2011) (granting motion to
12 stay pending JPML decision on motion to transfer); *Barnes v. Equinox Group, Inc.*, Case
13 No. C 10-03586, 2010 U.S. Dist. LEXIS 138863 (N.D. Cal., Dec. 30, 2010) (same);
14 *Cottle-Banks v. Cox Communications, Inc.*, Case No. 10-cv-2133, 2010 U.S. Dist. LEXIS
15 138195 (S.D. Cal., Dec. 30, 2010) (same); *Gordillo v. Bank of Am.*, Case No. 1:09-cv-
16 01954, 2010 U.S. Dist. LEXIS 7954 (E.D. Cal., Jan. 13, 2010) (same); *Sanborn v.*
17 *Asbestos Corp., Ltd.*, Case No. C 08-5260, 2009 U.S. Dist. LEXIS 7528 (N.D. Cal., Jan.
18 27, 2009) (same); *Lyman v. Asbestos Defendants (B*P)*, Case No. C 07-4240, 2007 U.S.
19 Dist. LEXIS 78766 (N.D. Cal., Oct. 10, 2007) (same); *Nielsen v. Merck and Co.*, Case No.
20 C 07-00076, 2007 U.S. Dist. LEXIS 21250 (N.D. Cal., Mar. 15, 2007) (same); *Collum v.*
21 *Astrazenca Pharm., L.P.*, Case No. C 06-0662, 2006 U.S. Dist. LEXIS 64861 (N.D. Cal.,
22 Aug. 29, 2006) (same); *Rivers v. The Walt Disney Co.*, 980 F. Supp. 1358, 1362 (C.D. Cal.
23 1997) (granting motion to stay pending JPML decision on motion to transfer, holding:
24 "[I]t appears that a majority of courts have concluded that it is often appropriate to stay
25 preliminary pretrial proceedings while a motion to transfer and consolidate is pending with
26 the MDL Panel because of the judicial resources that are conserved.");

1 NOW THEREFORE, it is stipulated by the undersigned counsel on behalf of
2 the parties below, and subject to the Court's approval, that:

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4 All proceedings in this action are stayed pending the JPML's decision on
5 Crate & Barrel's Motion to Transfer Cases for Consolidated or Coordinated Pretrial
6 Proceedings (MDL No. 2260).

7
8 **IT IS SO STIPULATED.**

9
10 Dated: June 3, 2011 JACZKO GODDARD LLP

11
12 By s/ Allison H. Goddard
13 ALLISON H. GODDARD

14 Attorneys for Plaintiff
15 JESSICA SHUGHROU

16 Dated: June 3, 2011 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

17
18 By s/ Elizabeth S. Berman
19 P. CRAIG CARDON
20 DAVID R. GARCIA
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22 ELIZABETH S. BERMAN

23 Attorneys for Defendant
24 EUROMARKET DESIGNS, INC.
25 d/b/a CRATE & BARREL

26 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

27 Dated: June 6, 2011



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Laurel Beeler
United States Magistrate Judge
Northern District of California