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15 **UNITED STATES DISTRICT COURT**
16 **EASTERN DISTRICT OF CALIFORNIA**
17 **FRESNO DIVISION**
18

19 JOSE RODRIGUEZ, on behalf of himself and
all others similarly situated,

20 Plaintiff,

21 vs.

22 KRAFT FOODS GROUP, INC., a Virginia
23 corporation; and DOES 1 through 100, inclusive,

24 Defendant.
25
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Case No. 1:14-CV-01137-LJO-GSA

**STIPULATION EXTENDING PRE-
CERTIFICATION DISCOVERY DATES;
ORDER EXTENDING PRE-
CERTIFICATION DISCOVERY DATES
AND BRIEFING SCHEDULE FOR CLASS
CERTIFICATION MOTION AND ANY
MOTION TO STRIKE CLASS CLAIMS**

1 Plaintiff Jose Rodriguez and Defendant Kraft Foods Group, Inc. (collectively, the “Parties”)
2 respectfully submit this Stipulation Regarding Pre-Certification Discovery Dates. The Parties
3 jointly and respectfully request that the Court grant the relief sought by this Stipulation.

4 WHEREAS, the Parties have scheduled a mediation for April 1, 2015 with mediator Alan
5 Berkowitz in San Francisco, California.

6 WHEREAS, the Parties have agreed to conduct only the discovery they have deemed
7 necessary to settle the case prior to mediation, leaving more complete discovery until after
8 mediation in the event that the case does not settle.

9 WHEREAS, the Parties wish to build more time into the case schedule for discovery post-
10 mediation, which could be substantial, to avoid the need to conduct any such discovery pre-
11 mediation due to the need to comply with the Court’s pre-certification discovery deadlines.

12 WHEREAS, the Parties desire that the current deadline for motions relating to class
13 certification of **August 21, 2015** remain in place.

14 WHEREAS, in the Court’s November 3, 2014 Scheduling Conference Order (Dkt. No.
15 021), the Court set the following deadlines relevant to this stipulation: (a) Completion of non-
16 expert discovery related to class certification – **May 1, 2015**; (b) Completion of expert discovery
17 related to class certification – **July 10, 2015**; (c) deadline for filing any discovery or other non-
18 dispositive motions – **July 17, 2015**.

19 NOW, THEREFORE, IT IS HEREBY STIPULATED by and between the parties, as
20 follows:

- 21 (1) The deadline for Non-Expert Discovery related to Class Certification should be
22 continued to **June 15, 2015**;
- 23 (2) A separate deadline for filing motions related to Non-Expert Discovery, and non-
24 dispositive motions unrelated to discovery should be set for **June 30, 2015**;
- 25 (2) The deadline for Expert Discovery related to Class Certification should be
26 continued to **July 24, 2015**; and

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1 (3) The date for filing motions related to Expert Discovery should be continued **July**
2 **31, 2015.**

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4 IT IS SO STIPULATED.

5 DATED: January 27, 2015 OGLETREE, DEAKINS, NASH, SMOAK &
6 STEWART, P.C.

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8 By: /s/ Christopher M. Ahearn
9 DOUGLAS J. FARMER
10 CHRISTOPHER M. AHEARN
Attorneys for Defendant
KRAFT FOODS GROUP, INC.

11 DATED: January 27, 2015 WESTRUP & ASSOCIATES

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13 By: /s/ Cat N. Bualon (as authorized on January
14 27, 2015)
15 PHILLIP R. POLINER
Attorneys for Plaintiff
16 JOSE RODRIGUEZ

17 **ORDER**

18 Based on the foregoing stipulation of the parties, the Court extends pre-certification
19 discovery dates as follows:

- 20 (1) The cut-off deadline for Non-Expert Discovery related to Class Certification is
21 continued to **June 15, 2015**;
- 22 (2) The deadline for filing motions related to Non-Expert Discovery, and non-
23 dispositive motions unrelated to discovery, is continued to **June 30, 2015**;
- 24 (2) The cut-off deadline for Expert Discovery related to Class Certification is continued
25 to **July 24, 2015**; and
- 26 (3) The deadline for filing motions related to Expert Discovery is continued **July 31,**
27 **2015.**

28 In light of the modified discovery dates and extended non-dispositive motion filing

1 deadlines, the Court hereby also extends the briefing schedule and hearing date for the parties'
2 motion for class certification and any motion to strike class claims as follows:

- 3 *Plaintiff's Motion for Class Certification due: **September 11, 2015***
- 4 *Defendant's Motion to Strike Class/Representative Claims due: **September 11, 2015***

- 5 *Defendant's Opposition to Motion for Class Certification due: **October 14, 2015***
- 6 *Plaintiff's Opposition to Motion to Strike Class/Rep. Claims due: **October 14, 2015***

- 7 *Plaintiff's Reply due: **November 11, 2015***
- 8 *Defendant's Reply due: **November 11, 2015***

9 A hearing on the Motion for Class Certification and any Motion to Strike
10 Class/Representative Claims will be held on **December 11, 2015 at 10:00 a.m.** before the
11 magistrate judge to whom this case is reassigned upon Judge Austin's expected retirement in
12 October 2015.

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14 IT IS SO ORDERED.

15 Dated: January 29, 2015 /s/ Gary S. Austin
16 UNITED STATES MAGISTRATE JUDGE

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