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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 AND ORDER  
CONTINUING DATES**

Action Filed: April 17, 2014

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 WHEREAS, pursuant to the parties stipulation, on January 30, 2015 the Court amended  
20 such deadlines as follows: (a) the deadline for Non-Expert Discovery related to Class Certification  
21 was continued to **June 15, 2015**; (b) a separate deadline for filing motions related to Non-Expert  
22 Discovery, and non-dispositive motions unrelated to discovery was set for **June 30, 2015**; (c) the  
23 deadline for Expert Discovery related to Class Certification was continued to **July 24, 2015**; (d)  
24 The date for filing motions related to Expert Discovery should be continued **July 31, 2015**.

25 WHEREAS, the Parties have conducted discovery such as interrogatories, document  
26 productions, depositions pursuant to Fed. R. Civ. Proc. 30(b)(6) (one for each of Kraft Foods  
27 Group, Inc.’s facilities in California employing potential class members), and the deposition of  
28 Plaintiff Jose Rodriguez.

1           WHEREAS, for the sake of efficient use of resources, the Parties have agreed to limit  
2 further substantial discovery until after mediation.

3           WHEREAS, the parties had scheduled a mediation with mediator Alan Berkowitz, Esq., to  
4 take place in San Francisco, California on April 27, 2015.

5           WHEREAS, Kraft Foods Group, Inc. is currently in the process of a well-publicized merger  
6 with H.J. Heinz Co., which is likely to be one of the largest mergers in the food processing industry  
7 in recent years.

8           WHEREAS, as a result of such merger, it is now expected to take substantially longer than  
9 initially anticipated for responsible persons at Kraft Foods Group, Inc. to obtain sufficient  
10 settlement authority for a mediation to be productive.

11           WHEREAS, the Parties have agreed to continue the mediation with Mr. Berkowitz to June  
12 16, 2015.

13           WHEREAS, the current deadline to complete non-expert fact discovery is June 15, 2015.

14           WHEREAS, the Parties wish to defer completion of remaining pre-certification discovery  
15 until after mediation, to conserve recourses.

16           WHEREAS, given the current deadlines on calendar, the Parties believe that a continuance  
17 of all currently-set deadlines by sixty (60) days would be in the best interests of the Parties and in  
18 the orderly administration of justice in this action.

19           NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED by the Parties that  
20 the current deadlines in this matter should be continued, as follows:

21           (1) The deadline for Non-Expert Discovery related to Class Certification should be  
22 continued to August 14, 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 August 31, 2015;

25           (3) The deadline for Expert Discovery related to Class Certification should be continued to  
26 September 22, 2015; and

27           (4) The date for filing motions related to Expert Discovery should be continued September  
28 29, 2015.

1 In light of the parties' stipulation to modify and extend non-dispositive motion filing  
2 deadlines, parties further stipulate and agree to extend the briefing schedule and hearing date for  
3 the parties' motion for class certification and any motion to strike class claims by sixty (60) days as  
4 follows:

- 5 Plaintiff's Motion for Class Certification due: November 10, 2015
- 6 Defendant's Motion to Strike Class/Representative Claims due: November 10, 2015
- 7 Defendant's Opposition to Motion for Class Certification due: December 14, 2015
- 8 Plaintiff's Opposition to Motion to Strike Class/Rep. Claims due: December 14, 2015
- 9 Plaintiff's Reply due: January 11, 2016
- 10 Defendant's Reply due: January 11, 2016

11 DATED: April 24, 2015 OGLETREE, DEAKINS, NASH, SMOAK &  
12 STEWART, P.C.

13 By: /s/ Christopher M. Ahearn  
14 DOUGLAS J. FARMER  
15 CHRISTOPHER M. AHEARN  
Attorneys for Defendant  
KRAFT FOODS GROUP, INC.

16 DATED: April 24, 2015 WESTRUP & ASSOCIATES

17  
18 By: /s/ Cat N. Bualon (as authorized on April 24, 2015)  
19 CAT N. BULAON  
20 PHILLIP R. POLINER  
Attorneys for Plaintiff  
JOSE RODRIGUEZ

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**ORDER**

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

	<b>PREVIOUS DATE</b>	<b>NEW DATE</b>
<b>Non-expert discovery cutoff (class certification)</b>	June 15, 2015	August 14, 2015
<b>Non-expert discovery motions filing deadline / Non-dispositive motions unrelated to discovery filing deadline</b>	July 30, 2015	August 31, 2015
<b>Expert discovery cutoff (class certification)</b>	July 24, 2015	September 22, 2015
<b>Expert discovery motion filing deadline</b>	July 31, 2015	September 29, 2015
<b>Plaintiff's motion for class certification due / Defendant's motion to strike class/representative claims due</b>	September 11, 2015	November 10, 2015
<b>Defendant's opposition to motion for class certification due / Plaintiff's opposition to motion to strike class/representative claims due</b>	October 14, 2015	December 14, 2015
<b>Plaintiff's reply brief due / Defendant's reply brief due</b>	November 11, 2015	January 11, 2016
<b>Class certification / Motion to strike hearing</b>	December 11, 2015	February 12, 2016 Time: 10:00 a.m. Dept.: TBD

IT IS SO ORDERED.

Dated: April 28, 2015

/s/ Gary S. Austin  
UNITED STATES MAGISTRATE JUDGE