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

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

21 Plaintiff,

22 vs.

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

25 Defendant.

Case No. 1:14-CV-01137-LJO-GSA

**STIPULATION AND ORDER
CONTINUING DATES**

(ECF No. 27)

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

4 WHEREAS, the Parties attended mediation on June 16, 2015, before a well-respected
5 mediator, Alan Berkowitz, Esq. in San Francisco, California.

6 WHEREAS, the Parties were unsuccessful at settling the case at mediation but are still
7 engaged in settlement discussions through Mr. Berkowitz.

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

11 WHEREAS, the Parties wish to build more time into the case schedule for discovery and
12 defer completion of remaining pre-certification discovery, which could be substantial, until after all
13 prospects of an early resolution have been considered, to conserve resources.

14 WHEREAS, pursuant to the parties’ prior stipulation, Dkt. 26, the Court amended such
15 deadlines as follows: (a) the deadline for Non-Expert Discovery related to Class Certification was
16 continued to August 14, 2015; (b) a separate deadline for filing motions related to Non-Expert
17 Discovery, and non-dispositive motions unrelated to discovery was set for August 31, 2015; (c) the
18 deadline for Expert Discovery related to Class Certification was continued to September 22, 2015;
19 (d) the date for filing motions related to Expert Discovery was continued to September 29, 2015.

20 WHEREAS, given the current deadlines on calendar, the Parties believe that a continuance
21 of all currently-set deadlines by approximately thirty (30) days, as well as building in further time
22 in the schedule for fact discovery in relation to other items, would be in the best interests of the
23 Parties and in the orderly administration of justice in this action.

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

26 (1) The deadline for Non-Expert Discovery related to Class Certification should be
27 continued to October 8, 2015;

28 ///

1 (2) The deadline for Expert Discovery related to Class Certification should be continued to
2 October 22, 2015; and

3 (3) The deadline for filing motions related to Expert and Non-Expert Discovery Related to
4 Class Certification should be consolidated, and moved to October 29, 2015;

5 In light of the parties' stipulation to modify and extend non-dispositive motion filing
6 deadlines, parties further stipulate and agree to extend the briefing schedule and hearing date for
7 the parties' motion for class certification and any motion to strike class claims by approximately
8 thirty (30) days as follows:

9 Plaintiff's Motion for Class Certification due: December 10, 2015

10 Defendant's Motion to Strike Class/Representative Claims due: December 10, 2015

11 Defendant's Opposition to Motion for Class Certification due: January 14, 2016

12 Plaintiff's Opposition to Motion to Strike Class/Rep. Claims due: January 14, 2016

13 Plaintiff's Reply due: February 11, 2016

14 Defendant's Reply due: February 11, 2016

15 First available date for hearing on Motion for Class Certification and/or Motion to Strike
16 Class/Rep. Claims: _____, 2016

17 DATED: July 17, 2015

18 OGLETREE, DEAKINS, NASH, SMOAK &
19 STEWART, P.C.

20 By: /s/ Christopher M. Ahearn

21 DOUGLAS J. FARMER
22 CHRISTOPHER M. AHEARN

23 Attorneys for Defendant
24 KRAFT FOODS GROUP, INC.

25 DATED: July 17, 2015

26 WESTRUP & ASSOCIATES

27 By: /s/ Cat N. Bulaon (as authorized on July 17, 2015)

28 CAT N. BULAON

Attorneys for Plaintiff
JOSE RODRIGUEZ

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1 **ORDER**

2 Based on the foregoing stipulation of the parties, the Court extends pre-certification
3 discovery dates as follows:
4

	PREVIOUS DATE	NEW DATE
5 Non-expert discovery cutoff (class certification)	August 14, 2015	October 8, 2015
6 Non-expert discovery motions filing deadline / Non-dispositive motions unrelated to discovery filing deadline	August 31, 2015	October 29, 2015
7 Expert discovery cutoff (class certification)	September 22, 2015	October 22, 2015
8 Expert discovery motion filing deadline	September 29, 2015	October 29, 2015
9 Plaintiff's motion for class certification due / Defendant's motion to strike class/representative claims due	November 10, 2015	December 10, 2015
10 Defendant's opposition to motion for class certification due / Plaintiff's opposition to motion to strike class/representative claims due	December 14, 2015	January 14, 2015
11 Plaintiff's reply brief due / Defendant's reply brief due	January 11, 2016	February 11, 2016
12 Class certification / Motion to strike hearing	February 12, 2016 Time: 10:00 a.m. Dept.: TBD	March 18, 2016 Time: 9:30 a.m. Dept.: TBD

13 IT IS SO ORDERED.

14 Dated: July 20, 2015

15 /s/ Gary S. Austin
16 UNITED STATES MAGISTRATE JUDGE