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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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FRANCIS VON KOENIG, GUY
CADWELL, individually and on
behalf of all others similarly
situated,

2:09-cv-00606 FCD EFB

Plaintiffs,

v.

ORDER

SNAPPLE BEVERAGE CORPORATION,

Defendant.

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On August 2, 2010, the court issued a minute order directing the parties to submit simultaneous briefing regarding why this case should not be stayed in light of the courts' rulings in Coyle v. Hornell Brewing Co., No. 1:08-cv-2797 (D.N.J.) and Ries v. Hornell Brewing Co., 10-cv-1139 (N.D. Cal.). On September 2, 2010, the parties submitted a Joint Statement of Parties as to Issuance of a Stay, providing that neither party objects to a stay of this matter consistent with those ordered in the

1 referenced cases. As such, and consistent with the Northern
2 District of California's reasoning in Ries, the court STAYS the
3 action for six months and directs counsel to submit a proposal
4 referring to the FDA the question of whether high fructose corn
5 syrup is a "natural" ingredient.

6 The parties shall submit a joint status report by 5:00 p.m.
7 on March 1, 2011. Though the court may extend the stay upon a
8 showing of good cause, the parties should be prepared to proceed
9 with respect to plaintiffs' claims if the FDA does not indicate
10 clearly its willingness to act in the reasonably foreseeable
11 future.

12 IT IS SO ORDERED.

13 DATED: September 7, 2010



FRANK C. DAMRELL, JR.
UNITED STATES DISTRICT JUDGE

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