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17 **Attorneys for Defendants**
 18 **NBTY, Inc. and Rexall Sundown, Inc.**

19 **UNITED STATES DISTRICT COURT**
 20 **EASTERN DISTRICT OF CALIFORNIA**

21 LILIANA CARDENAS, On Behalf of Herself)
 22 and All Other Similarly Situated California)
 23 Residents,)

24 Plaintiff,)

25 vs.)

26 NBTY, INC., a Delaware corporation and)
 27 REXALL SUNDOWN, INC., a Florida)
 28 corporation,)

29 Defendants.)
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Case No. 11-cv-01615-LKK-CKD per the
 Order of Reassignment, Dkt. # 11

**JOINT STIPULATION AND ORDER
 RESETTING PRETRIAL STATUS
 CONFERENCE AND SETTING
 BRIEFING SCHEDULE ON
 DEFENDANTS' MOTION TO DISMISS**

1 The parties, by and through their undersigned counsel of record, hereby stipulate as follows:

2 WHEREAS, on June 14, 2011, Plaintiff filed her Complaint and initiated the above-
3 referenced action;

4 WHEREAS, on July 5, 2011, the parties entered into a stipulation providing that Plaintiff
5 would file an Amended Complaint on July 25, 2011, and Defendants would have until August 24,
6 2011, to file a responsive pleading thereto;

7 WHEREAS, on July 25, 2011, Plaintiff filed her Amended Complaint;

8 WHEREAS, Defendants' counsel has informed Plaintiff's counsel that Defendants intend to
9 file (without limitation) a motion to dismiss on August 24, 2011;

10 WHEREAS, by Order dated June 15, 2011 ("Order") and pursuant to Federal Rule of Civil
11 Procedure 16, the Court had set an initial Pretrial Scheduling Conference for September 6, 2011, and
12 pursuant to such order the parties' initial Status Report(s) are due two weeks prior, *i.e.*, August 23,
13 2011;

14 WHEREAS, the parties agree that it would be most efficient and facilitate the parties' ability
15 to meet and confer about the matters set forth in the Court's Order to continue the initial Pretrial
16 Status Conference and time for the parties to file their status report(s) until after Defendants' motion
17 to dismiss is heard and decided; and

18 WHEREAS, Defendant's counsel has contacted the Court clerk regarding the available
19 hearing dates for Defendants' anticipated motion(s), and the parties seek to set a mutually agreeable
20 briefing schedule that takes into account those available dates and pre-existing scheduling conflicts
21 and obligations of each parties' counsel, among other things; and

22 WHEREAS, the parties further agree that by entering into this stipulation Defendants do not
23 waive any defenses or submit to the jurisdiction of the Court.

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NOW, THEREFORE, the parties stipulate as follows:

1. Defendants will file their Motion to Dismiss (and may file any other accompanying motion) on August 24, 2011.
2. Plaintiff shall file any Opposition brief on or before October 3, 2011.
3. Defendants shall file any Reply brief on or before October 24, 2011.
4. Defendants' motion(s) will be set for hearing on November 7, 2011 at 10:00 a.m.
5. The initial Pretrial Status Conference, currently set for September 6, 2011, is continued to December 5, 2011 at 2:00 p.m. The parties shall file status reports fourteen (14) days prior to the status conference.

Dated: August 17, 2011

SIDLEY AUSTIN LLP

By: /s/ David R. Carpenter
 David R. Carpenter
 Attorneys for Defendants NBTY, Inc., and
 Rexall Sundown, Inc.


Dated: August 17, 2011

BONNETT, FAIRBOURN, FRIEDMAN & BALINT, P.C.

By: /s/ Patricia N. Syverson
 Patricia N. Syverson
 Attorneys for Plaintiff Liliana Cardenas

IT IS SO ORDERED.

Dated: August 18, 2011.


 LAWRENCE K. KARLTON
 SENIOR JUDGE
 UNITED STATES DISTRICT COURT

1 PROOF OF SERVICE

2 STATE OF CALIFORNIA)
3) ss
4 COUNTY OF LOS ANGELES)

5 I am employed in the County of Los Angeles, State of California. I am over the age
6 of 18 and not a party to the within action. My business address is Sidley Austin LLP, 555 West
7 Fifth Street, Suite 4000, Los Angeles, California 90013-1010.

8 On August 17, 2011, I served the foregoing document described as: **JOINT**
9 **STIPULATION AND [PROPOSED] ORDER RESETTING PRETRIAL STATUS**
10 **CONFERENCE AND SETTING BRIEFING SCHEDULE ON DEFENDANTS’ MOTION TO**
11 **DISMISS** on all interested parties in this action as follows:

12 BONNETT, FAIRBOURN, FRIEDMAN &
13 BALINT, P.C.
14 Andrew S. Friedman
15 Elaine A. Ryan
16 Patricia N. Syverson
17 2901 N. Central Ave., Suite 1000
18 Phoenix, AZ 85012
19 afriedman@bffb.com
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BONNETT, FAIRBOURN, FRIEDMAN
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[By Mail]

[On CM/ECF]

18 FUTTERMAN HOWARD ASHLEY &
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[By Mail]

24 [x] (ON CM/ECF) I electronically filed and served the document on CM/ECF.

25 [x] (BY MAIL) I deposited such envelope in the mail at Los Angeles, California.

26 The envelope was mailed with postage thereon fully prepaid. I am “readily familiar” with the firm’s
27 practice of collection and processing correspondence for mailing. It is deposited with the U.S. postal
28 service on that same day in the ordinary course of business. I am aware that on motion of a party

1 served, service is presumed invalid if the postal cancellation date or postage meter date is more than
2 one day after the date of deposit for mailing in the affidavit.

3 I declare that I am a registered user of the CM/ECF system.

4 I served the foregoing document by electronically filing the document via the
5 CM/ECF system maintained by the court.

6 I declare under penalty of perjury under the laws of the United States of America that
7 the above is true and correct.

8 Executed on August 17, 2011, at Los Angeles, California.

9
10 /s/ David R. Carpenter
David R. Carpenter