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Attorneys for Defendants
NBTY, Inc. and Rexall Sundown, Inc.

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

20 LILIANA CARDENAS, On Behalf of Herself)
 and All Other Similarly Situated California)
 Residents,)

21)
 22) Plaintiff,

23 vs.)

24 NBTY, INC., a Delaware corporation and)
 REXALL SUNDOWN, INC., a Florida)
 corporation,)

25)
 26) Defendants.)

Case No. 2:11-cv-01615-LKK-CKD

**JOINT STIPULATION AND ORDER
 SETTING BRIEFING SCHEDULE ON
 DEFENDANTS' MOTION TO DISMISS
 SECOND AMENDED COMPLAINT AND
 RESETTING INITIAL STATUS
 CONFERENCE**

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 on July 25, 2011, Plaintiff filed her First
6 Amended Complaint;

7 WHEREAS, on August 24, 2011, Defendants' counsel filed a motion to dismiss Plaintiff's
8 First Amended Complaint;

9 WHEREAS, by and/or as reflected in the Joint Stipulation and Order dated September 26,
10 2011 [Dkt. #21]: (a) the parties agreed that Plaintiff would file a Second Amended Complaint *in lieu*
11 of formally opposing Defendants' filed motion to dismiss, and the court granted leave for such
12 amendment; (b) Defendants' time to respond to the Second Amended Complaint was set for
13 November 23, 2011; and (c) the Court continued the initial Status Conference to December 19, 2011,
14 with status reports due fourteen (14) days prior.

15 WHEREAS, on October 24, 2011, Plaintiff filed her Second Amended Complaint, and
16 Defendants are concurrently filing their Motion to Dismiss the Second Amended Complaint; and

17 WHEREAS, the parties have met and conferred about setting a mutually agreeable briefing
18 schedule that takes into account, among other things, the Court's available hearing dates, the
19 upcoming holidays, and the pre-existing scheduling conflicts and obligations of each party's
20 counsel; and

21 WHEREAS, the parties further agree that it would be most efficient and facilitate the parties'
22 ability to meet and confer about the matters required for their status reports if the initial Status
23 Conference were continued until after Defendants' Motion to Dismiss the Second Amended
24 Complaint is heard and decided; and

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

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NOW, THEREFORE, the parties stipulate as follows:

- 1. Plaintiff shall file any Opposition brief to Defendants Motion to Dismiss the Second Amended Complaint on or before December 23, 2011.
- 3. Defendants shall file any Reply brief on or before January 24, 2012.
- 4. Defendants' motion will be set for hearing on February 13, 2012 at 10:00 a.m.
- 5. The initial Pretrial Status Conference shall be continued to February 27, 2012 at 1:30 p.m.

Dated: November 23, 2011

SIDLEY AUSTIN LLP

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


Dated: November 23, 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: November 23, 2011.


 LAWRENCE K. KARLTON
 SENIOR JUDGE
 UNITED STATES DISTRICT COURT