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

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

20 LILIANA CARDENAS, On Behalf of Herself)	Case No. 11-cv-01615-LKK-CKD
21 and All Other Similarly Situated California)	
22 Residents,)	SECOND JOINT STIPULATION AND
)	ORDER SETTING BRIEFING
23 Plaintiff,)	SCHEDULE ON DEFENDANTS' MOTION
)	TO DISMISS SECOND AMENDED
24 vs.)	COMPLAINT AND RESETTING INITIAL
)	STATUS CONFERENCE
25 NBTY, INC., a Delaware corporation and)	
26 REXALL SUNDOWN, INC., a Florida)	
corporation,)	
)	
27 Defendants.)	

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; and

4 WHEREAS, by and/or as reflected in the Joint Stipulation and Order dated September 26,
5 2011 [Dkt. #21]: (a) the parties agreed that Plaintiff would file a Second Amended Complaint *in lieu*
6 of formally opposing Defendants' filed motion to dismiss, and the court granted leave for such
7 amendment; (b) Defendants' time to respond to the Second Amended Complaint was set for
8 November 23, 2011; and (c) the Court continued the initial Status Conference to December 19, 2011,
9 with status reports due fourteen (14) days prior; and

10 WHEREAS, on October 24, 2011, Plaintiff filed her Second Amended Complaint; and

11 WHEREAS Defendants filed their Motion to Dismiss the Second Amended Complaint on
12 November 23, 2011 and briefing on Defendants' Motion was completed on January 24, 2012; and

13 WHEREAS on January 31, 2012, Plaintiffs' counsel notified Defendants' counsel of a
14 scheduling conflict with the February 13, 2012 hearing date that the parties had previously agreed to.
15 The parties agreed to reschedule the hearing for Defendants' Motion to February 27, 2012, or as
16 soon thereafter as is convenient for the Court; and

17 WHEREAS, the parties further agree that it would be most efficient and facilitate the parties'
18 ability to meet and confer about the matters required for their status reports if the initial Status
19 Conference, currently set for February 27, 2012, with joint reports due two weeks prior thereto, were
20 continued until after Defendants' Motion to Dismiss the Second Amended Complaint is heard and
21 decided.

22 NOW, THEREFORE, the parties stipulate as follows:

23 1. Defendants' motion is re-set for hearing on February 27, 2012 at 10:00 a.m.
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2. The initial Pretrial Status Conference is continued to March 26, 2012 at 1:30 p.m.

The parties shall file their status reports 14 days prior to the status conference.

Dated: February 2, 2012

SIDLEY AUSTIN LLP

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


Dated: February 2, 2012

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

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

IT IS SO ORDERED.

Dated: February 3, 2012.


LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on February 2, 2012, I electronically filed the foregoing with the Clerk
3 of the Court using the CM/ECF system which will send notification of such filing to the e-mail
4 addresses denoted on the Electronic Mail notice list, and I hereby certify that I have mailed the
5 foregoing document or paper via the United States Postal Service to the non-CM/ECF participants
6 indicated on the Manual Notice list.

7 I certify under penalty of perjury under the laws of the United States of America that the
8 foregoing is true and correct. Executed on February 2, 2012.

9 By: s/ Patricia N. Syverson

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