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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,)	THIRD JOINT STIPULATION AND
23 Plaintiff,)	ORDER ON DEFENDANTS' MOTION TO
24 vs.)	DISMISS SECOND AMENDED
25 NBTY, INC., a Delaware corporation and)	COMPLAINT HEARING AND
26 REXALL SUNDOWN, INC., a Florida)	RESETTING INITIAL STATUS
27 corporation,)	CONFERENCE
28 Defendants.)	

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

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

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

5 WHEREAS, on January 31, 2012, Plaintiff's counsel notified Defendants' counsel of a
6 scheduling conflict with the February 13, 2012 hearing date that the parties had previously agreed to.
7 The parties agreed to reschedule the hearing for Defendants' Motion to February 27, 2012, or as
8 soon thereafter as was convenient for the Court;

9 WHEREAS, on February 21, 2012 the Court rescheduled the hearing for Defendants' Motion
10 to March 12, 2012 at 10:00 a.m.;

11 WHEREAS, on February 21, 2012, Plaintiff's counsel notified Defendants' counsel of a
12 scheduling conflict with the March 12, 2012 hearing date. The parties agreed to reschedule the
13 hearing for Defendants' Motion to April 23, 2012, or as soon thereafter as is convenient for the
14 Court;

15 WHEREAS, the parties further agree that it would be most efficient and facilitate the parties'
16 ability to meet and confer about the matters required for their status reports if the initial Status
17 Conference, currently set for March 26, 2012, with joint reports due two weeks prior thereto, were
18 continued until after Defendants' Motion to Dismiss the Second Amended Complaint is heard and
19 decided.

20 NOW, THEREFORE, the parties stipulate as follows:

- 21 1. Defendants' motion will be re-set for hearing on April 23, 2012 at 10:00 a.m.
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2. The initial Pretrial Status Conference shall be continued until June 25, 2012 at 2:00 p.m.

Dated: February 22, 2012

SIDLEY AUSTIN LLP

By: /s/ Kara L. McCall
Kara L. McCall
Attorneys for Defendants NBTY, Inc., and
Rexall Sundown, Inc.

Dated: February 22, 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 22, 2012.


LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on February 22, 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 22, 2012.

9 By: s/ Patricia N. Syverson

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