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Francisco Padilla

19 **UNITED STATES DISTRICT COURT**

20 **EASTERN DISTRICT OF CALIFORNIA**

21	LILIANA CARDENAS, an Individual, and)	Case No. 2:11-cv-01615-LKK-CKD
	FRANCISCO PADILLA, an Individual, On)	
22	Behalf of Themselves and All Others Similarly)	<u>CLASS ACTION</u>
	Situated,)	
23)	JOINT STIPULATION AND ORDER
	Plaintiffs,)	CONTINUING HEARING ON
24)	PLAINTIFFS' MOTION FOR CLASS
	vs.)	CERTIFICATION
25)	
	NBTY, INC., a Delaware corporation and)	
26	REXALL SUNDOWN, INC., a Florida)	
	corporation,)	
27)	
	Defendants.)	
28)	

1 Plaintiffs Liliana Cardenas and Francisco Padilla (together, "Plaintiffs"), and Defendants
2 NBTY, Inc. and Rexall Sundown, Inc. (together, "Defendants"), by and through their undersigned
3 counsel, hereby respectfully submit this joint stipulation to continue the hearing date on Plaintiffs'
4 Motion for Class Certification ("Class Motion"). In support, the parties state as follows:

5 WHEREAS, this Court Entered a "Status (Pretrial Scheduling) Conference" Order on June
6 27, 2012 [Dkt. No. 56]. Pursuant to that Order, Plaintiffs were required to file their motion for class
7 certification by January 28, 2013.

8 WHEREAS, Plaintiffs filed their motion for class certification on January 28, 2013, setting
9 the hearing on class certification for April 8, 2013. Accordingly, Defendants' opposition to
10 Plaintiffs' motion for class certification is due by March 25, 2013, and Plaintiffs' reply thereto is due
11 by April 1, 2013.

12 WHEREAS, notwithstanding all parties' diligence, neither of the named plaintiffs (putative
13 class representatives) has been deposed.

14 WHEREAS, the parties continue to explore settlement of this action.

15 WHEREAS, no pretrial or trial dates have been scheduled by the Court.

16 WHEREAS, the parties have not previously requested any scheduling extensions or
17 continuances.

18 NOW, THEREFORE, the parties stipulate as follows:

- 19 1. The hearing currently set for April 8, 2013 is continued to June 17, 2013 at 10:00 a.m.
- 20 2. Defendants shall file and serve their opposition to Plaintiffs' motion on or before June
21 3, 2013.
- 22 3. Plaintiffs shall file their reply to Defendants' opposition on or before June 10, 2013.

24 Dated: March 14, 2013

SIDLEY AUSTIN LLP

25 By: /s/ Kara L. McCall

26 Kara L. McCall
27 Attorneys for Defendants NBTY, Inc., and
28 Rexall Sundown, Inc.


1 Dated: March 14, 2013

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

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3 By: /s/ Patricia N. Syverson
4 Patricia N. Syverson
5 Attorneys for Plaintiffs Liliana Cardenas and
Francisco Padilla

6 **IT IS SO ORDERED.**

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8 Dated: March 15, 2013

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11 LAWRENCE K. KARLTON
12 SENIOR JUDGE
13 UNITED STATES DISTRICT COURT
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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on March 14, 2013, a true and correct copy of the following document
3 was electronically filed and served on all counsel of record in this action who are deemed to have
4 consented to electronic service via the Court’s CM/ECF system: **JOINT STIPULATION AND**
5 **[PROPOSED] ORDER CONTINUING HEARING ON PLAINTIFFS’ MOTION FOR**
6 **CLASS CERTIFICATION.**

7 Pursuant to the CM/ECF system, registration as a CM/ECF user constitutes consent to
8 electronic service through the Court’s transmission facilities. Any other counsel of record were
9 served by U.S. mail.

10 Dated: March 14, 2013

SIDLEY AUSTIN LLP

11 By: /s/ Kara L. McCall
12 Kara L. McCall

13 *Attorneys for Defendants NBTY, Inc. and Rexall*
14 *Sundown, Inc.*