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*Attorneys for Plaintiffs
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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DEMARIE FERNANDEZ, ALFONSO
MENDOZA, and RHONDA STANLEY, on
behalf of themselves and those similarly situated,

Plaintiffs,

v.

OBESITY RESEARCH INSTITUTE, LLC,
CONTINUITY PRODUCTS, LLC, WAL-
MART STORES, INC., HENNY DEN UIJL,
and, BRYAN CORLETT,

Defendants.

Case No. 13-CV-00975-MCE-KJN

**STIPULATION AND ORDER
CONTINUING HEARINGS ON
DEFENDANTS' MOTIONS TO DISMISS**

Hon. Morrison C. England, Jr.

1 Plaintiffs DeMarie Fernandez, Alfonso Mendoza and Rhonda Stanley, and Defendants
2 Obesity Research Institute, LLC, Continuity Products, LLC, Wal-Mart Stores, Inc., Henny Den
3 Uijl and Bryan Corlett, through their counsel of record, stipulate and agree as follows:
4

5 **RECITALS**

6 1. On June 13, 2013, Defendant Wal-Mart Stores, Inc. moved to dismiss Plaintiffs' complaint.
7 Defendant Wal-Mart Stores, Inc.'s motion is set for hearing July 25, 2013.

8 2. On June 14, 2013, Defendants Obesity Research Institute, LLC, Continuity Products, LLC,
9 Henny Den Uijl, and Bryan Corlett moved to dismiss Plaintiffs' complaint. Defendants' motion is
10 set for hearing July 25, 2013.

11 3. On June 25, 2013, Obesity Research Institute, LLC, Continuity Products, LLC, Henny Den
12 Uijl, and Bryan Corlett moved to transfer this action pursuant to 28 U.S.C. § 1404(a). Defendants'
13 motion to transfer is set for hearing August 8, 2013.

14 4. On June 25, 2013, Obesity Research Institute, LLC, Henny Den Uijl, and Bryan Corlett
15 moved to stay this action. Defendants' motion is set for hearing August 8, 2013.

16 5. On June 26, 2013, counsel for Plaintiffs contacted counsel for Defendants and requested
17 that the hearings on Defendants motions to dismiss, currently set for July 25, 2013, be moved to
18 August 8, 2013, the same date as the hearings on the motions to stay and transfer.

19 **STIPULATION**

20 1. Plaintiffs and Defendants have agreed that, subject to Court approval, the hearings on
21 Defendants' motions to dismiss shall be on August 8, 2013 at 2:00 p.m.

22 2. The hearings on Defendants' motions to stay and transfer shall remain on August 8, 2013.

23 3. The briefing schedule for each motion shall remain the same as follows:

- 24 a. Plaintiffs' opposition to the motion to dismiss brought by Defendant Wal-Mart Inc.
25 shall be due on July 11, 2013;
- 26 b. Plaintiffs' opposition to the motion to dismiss brought by Defendants Obesity
27 Research Institute, LLC, Henny Den Uijl, and Bryan Corlett shall be due on July 11,
28 2013;

- 1 c. Defendant Wal-Mart Inc.'s reply in support of its motion to dismiss shall be due on
2 July 18, 2013;
- 3 d. The reply in support of the motion to dismiss brought by Defendants Obesity
4 Research Institute, LLC, Henny Den Uijl, and Bryan Corlett shall be due on July 18,
5 2013;
- 6 e. Plaintiffs' opposition to Defendants' motion to transfer shall be due on July 25,
7 2013;
- 8 f. Plaintiffs' opposition to Defendants' motion to stay shall be due on July 25, 2013;
- 9 g. Defendants' reply in support of the motion to transfer shall be due on August 1,
10 2013; and
- 11 h. Defendants' reply in support of the motion to stay shall be due on August 1, 2013.
- 12

13 **IT IS SO STIPULATED.**

14

15 Dated: July 2, 2013

BURSOR & FISHER, P.A.

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27 *Attorneys for Plaintiffs*

28

1 Dated: July 2, 2013

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12 Dated: July 2, 2013

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ORDER

Pursuant to the stipulation of the parties, the hearings on Defendants' motions to dismiss (ECF Nos. 10 & 12) set for July 25, 2013, are hereby vacated and **continued to August 8, 2013 at 2:00 p.m.** in Courtroom 7.

IT IS SO ORDERED.

Dated: July 3, 2013



MORRISON C. ENGLAND, JR., CHIEF JUDGE
UNITED STATES DISTRICT COURT