

1 ALAN J. LAZARUS (SBN #129767)
 alan.lazarus@dbr.com
 2 WILLIAM A. HANSSSEN (SBN #110613)
 william.hanssen@dbr.com
 3 ASHLEY K. CORKERY (SBN #301380)
 ashley.corkery@dbr.com
 4 DRINKER BIDDLE & REATH LLP
 50 Fremont Street, 20th Floor
 5 San Francisco, CA 94105-2235
 Telephone: (415) 591-7500
 6 Facsimile: (415) 591-7510

7 Attorneys for Defendants
 ZICAM LLC and MATRIXX
 8 INITIATIVES, INC.

9 UNITED STATES DISTRICT COURT
 10 EASTERN DISTRICT OF CALIFORNIA

12 YESENIA MELGAR, on Behalf of Herself
 and all Others Similarly Situated,
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 Plaintiff,
 14
 v.
 15 ZICAM LLC and MATRIXX
 16 INITIATIVES, INC.,
 17 Defendants.

Case No. 2:14-cv-00160-MCE-AC

**STIPULATION AND ORDER SETTING
 REVISED BRIEFING SCHEDULE FOR
 DEFENDANTS TO FILE REPLIES IN
 SUPPORT OF SUMMARY JUDGMENT
 AND MOTIONS TO EXCLUDE CERTAIN
 OPINION TESTIMONY AND
 EXTENDING THE DEADLINE TO HEAR
 DISPOSITIVE MOTIONS**

18
 19 Plaintiff Yesenia Melgar, on behalf of herself and all others similarly situated
 20 (“Plaintiff”), and Defendants Zicam LLC and Matrixx Initiatives, Inc. (collectively
 21 “Defendants”), by and through their respective attorneys, hereby stipulate as follows:

22 WHEREAS, Defendants filed a motion for summary judgment (Dkt. No. 69) and motions
 23 to exclude certain opinion testimony of designated expert Noel R. Rose (Dkt. No. 70) and of
 24 designated expert R. Barker Bausell (Dkt. 71), on August 6, 2015;

25 WHEREAS, after the parties met and conferred, Plaintiff filed a stipulation and proposed
 26 order setting the briefing schedule and extending the deadline to hear dispositive motions (Dkt.
 27 No. 80) and a stipulation and proposed order setting the briefing schedule for Defendants’
 28

1 motions to exclude certain expert testimony (Dkt. No. 81), on August 14, 2015;

2 WHEREAS, the Court extended the deadline for the last day to hear dispositive motions
3 to November 12, 2015, pursuant to an Order entered on August 14, 2015 (Dkt. No. 84);

4 WHEREAS, the Court extended the deadline to file oppositions to Defendants' motion for
5 summary judgment and motions to exclude certain opinion testimony to October 1, 2015 (Dkt.
6 Nos. 84, 88);

7 WHEREAS, Defendants' replies in support of motion for summary judgment and motions
8 to exclude certain opinion testimony are due on November 5, 2015;

9 WHEREAS, counsel for Defendants were engaged in trial longer than anticipated, from
10 September 21 through October 16, 2015;

11 WHEREAS, following the trial, lead counsel for Defendants traveled to Florida on
12 October 17, 2015 due to the illness and death of his parent;

13 WHEREAS, Plaintiff's counsel are scheduled to begin trial in Los Angeles on October 27,
14 2015;

15 WHEREAS, on October 20, 2015 the Court issued an order continuing the trial of this
16 matter from February 8, 2016 to August 1, 2016, and the Final Pretrial Conference from
17 December 17, 2015 to June 16, 2016.

18 WHEREAS, the parties have conferred and agreed to set a new briefing schedule for
19 Defendants to file replies in support of their motion for summary judgment and motions to
20 exclude certain opinion testimony to accommodate Defendants' counsel personal circumstance
21 and the parties respective trial schedules;

22 WHEREAS, the parties respectfully request that the Court grant this extension to
23 accommodate the personal circumstance of defense counsel;

24 WHEREAS, the parties now stipulate and agree to the entry of an Order extending the
25 date of Defendants' replies in support of their motion for summary judgment and motions to
26 exclude certain opinion testimony to on or before November 19, 2015;

27 WHEREAS, the parties now stipulate and agree to the entry of an Order extending the last
28 day to hear dispositive motions to January 14, 2016;

1 WHEREAS, the parties now stipulate and agree to the entry of an Order extending the
2 hearing date of Defendants' motions to exclude certain opinion testimony to January 14, 2016;

3 THEREFORE, IT IS HEREBY STIPULATED by and between the parties and their
4 counsel that, upon the Court's grant of the proposed order submitted herewith:

- 5 1. The deadline for Defendants to submit replies in support of their motion for summary
6 judgment; in support of their motion to exclude certain opinion testimony of Noel R.
7 Rose; and in support of their motion to exclude certain opinion testimony of R. Barker
8 Bausell is extended to on or before November 19, 2015;
- 9 2. Defendants will file their replies in support of their motion for summary judgment; in
10 support of their motion to exclude certain opinion testimony of Noel R. Rose; and in
11 support of their motion to exclude certain opinion testimony of R. Barker Bausell on
12 or before November 19, 2015;
- 13 3. The last day to hear dispositive motions shall be extended to January 14, 2016;
- 14 4. The hearing on Defendants' motion for summary judgment and motions to exclude
15 certain opinion testimony shall be on January 14, 2016 at 2:00 p.m., or on such other
16 date that is convenient for the Court.

17
18 IT IS SO STIPULATED.

19
20 Dated: October _____, 2015

DRINKER BIDDLE & REATH LLP

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22 By: _____
23 Alan J. Lazarus
24 William A. Hanssen
25 Ashley K. Corkery

26 Attorneys for Defendants
27 ZICAM LLC and MATRIXX INITIATIVES,
28 INC.

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Dated: October _____, 2015

BURSOR & FISHER, P.A.

By: _____

L. Timothy Fisher
Annick M. Persinger
Julie A. Luster

Attorneys for Plaintiff
YESENIA MELGAR

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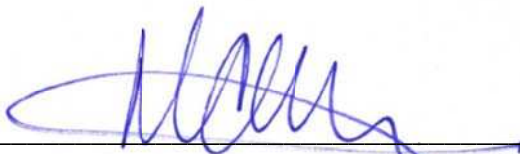
ORDER

Pursuant to the parties' stipulation, the Court hereby orders:

1. The deadline for Defendants to submit replies in support of their motion for summary judgment; in support of their motion to exclude certain opinion testimony of Noel R. Rose; and in support of their motion to exclude certain opinion testimony of R. Barker Bausell is extended to on or before November 19, 2015;
2. The last day to hear dispositive motions shall be extended to January 14, 2016;
3. The hearing on Defendants' motion for summary judgment; motion to exclude certain opinion testimony of Noel R. Rose; and motion to exclude certain opinion testimony of R. Barker Bausell shall be on January 14, 2016.

IT IS SO ORDERED.

DATED: October 28, 2015



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