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25 **UNITED STATES DISTRICT COURT**
 26 **EASTERN DISTRICT OF CALIFORNIA**

27 YESENIA MELGAR, on Behalf of Herself and
 28 all Others Similarly Situated,

Plaintiff,

v.

ZICAM LLC and MATRIXX INITIATIVES,
 INC.

Defendants.

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

**STIPULATION AND ORDER SETTING
 REVISED BRIEFING SCHEDULE FOR
 DEFENDANTS' OPPOSITION AND
 PLAINTIFF'S REPLY TO
 PLAINTIFF'S PROPOSED NOTICE
 PLAN; AND EXTENDING DEADLINES
 TO FILE JOINT FINAL PRETRIAL
 CONFERENCE STATEMENT AND
 EVIDENTIARY OR PROCEDURAL
 MOTIONS**

Courtroom: 7
 Hon. Morrison C. England, Jr.

1 Plaintiff Yesenia Melgar, on behalf of herself and the certified class (“Plaintiff”), and
2 Defendants Zicam LLC and Matrixx Initiatives, Inc. (collectively “Defendants”), by and through
3 their respective attorneys, hereby stipulate as follows:

4 WHEREAS, on May 11, 2016, Plaintiff filed a [Proposed] Order Regarding the Issuance of
5 Notice to the Certified Class. Dkt. No. 118.

6 WHEREAS, on May 12, 2016, Defendants requested leave to file an opposition to
7 Plaintiff’s proposed notice plan. Dkt. No. 119.

8 WHEREAS, on May 17, 2016, the Court granted Defendants’ request for leave to file an
9 opposition to Plaintiff’s proposed notice plan, and set May 27, 2016 as the deadline for
10 Defendants’ opposition, and June 3, 2016 as the deadline for Plaintiff’s reply. The Court set the
11 hearing for Defendants’ opposition to Plaintiff’s proposed notice plan on June 16, 2016. Dkt. No.
12 121.

13 WHEREAS, on October 20, 2015, the Court set May 26, 2016 as the deadline to file
14 evidentiary or procedural motions, as well as the deadline to file a Joint Final Pretrial Statement.
15 The Court set the Final Pretrial Conference for June 16, 2016. Dkt. No. 104.

16 WHEREAS, Plaintiff’s counsel has a significant deadline on June 3, 2016, which conflicts
17 with Plaintiff’s June 3, 2016 deadline to file a reply in support of her notice plan.

18 WHEREAS, Plaintiff’s counsel and Defendants’ counsel have conferred and have agreed
19 that Defendants’ deadline to file its opposition to Plaintiff’s notice plan shall be on May 31, 2016,
20 and the deadline for Plaintiff’s reply shall be on June 10, 2016.

21 WHEREAS, the parties agree that the hearing on Defendants’ opposition to Plaintiff’s
22 proposed notice plan should remain on June 16, 2016 or on such other date that is convenient for
23 the Court.

24 WHEREAS, the parties have conferred and agree to extend the deadlines to file the Joint
25 Final Pretrial Statement and evidentiary or procedural motions so that issues regarding Plaintiff’s
26 notice plan can be resolved prior to the pretrial conference.

1 WHEREAS, the parties have agreed to extend the deadline to file the Joint Final Pretrial
2 Statement and evidentiary or procedural motions to July 21, 2016, and to schedule the Pretrial
3 Conference for August 11, 2016. The parties have further agreed that the deadline to file
4 oppositions to evidentiary or procedural motions shall be on July 28, 2016, and the deadline to file
5 replies in support of evidentiary or procedural motions shall be on August 4, 2016.

6
7 Dated: May 23, 2016

Respectfully submitted,

8 **BURSOR & FISHER, P.A.**

9 By: /s/ Scott A. Bursor
10 Scott A. Bursor

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22 Dated May 23, 2016

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ORDER

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

1. The deadline for Defendants to file their opposition to Plaintiff's proposed notice plan shall be on May 31, 2016.
2. The deadline for Plaintiff to file a reply in support of Plaintiff's proposed notice plan shall be on June 10, 2016.
3. The hearing on Defendants' opposition to Plaintiff's proposed notice plan shall remain on June 16, 2016.
4. The August 1, 2016, trial and the June 16, 2016, pretrial conference are VACATED.
5. The deadlines to file the Final Pretrial Conference Statement, evidentiary or procedural motions and all trial documents are VACATED.
6. The parties are directed to participate in a second Settlement Conference before Magistrate Judge Kendall J. Newman. Not later than five (5) days following the date this order is electronically filed, counsel are directed to contact Judge Newman's chambers to schedule a date for that conference. Not later than seven (7) days prior to the Settlement Conference, counsel for each party shall submit to the chambers of the settlement judge a Confidential Settlement Conference Statement. Such statements are neither to be filed with the Clerk nor served on opposing counsel. Each party, however, shall serve notice on all other parties that the statement has been submitted. If the settlement judge is not the trial judge, the Confidential Settlement Conference Statement shall not be disclosed to the trial judge.
7. The trial and related pretrial dates will be re-set, if necessary, after the Settlement Conference and once the issues regarding Plaintiff's notice plan are resolved.

IT IS SO ORDERED.

Dated: May 27, 2016


MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE