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15 **UNITED STATES DISTRICT COURT**  
16 **EASTERN DISTRICT OF CALIFORNIA**

18 JOANN MARTINELLI, individually and on  
behalf of all others similarly situated,

19 Plaintiff,

20 v.

21 JOHNSON & JOHNSON and McNEIL  
22 NUTRITIONALS, LLC,

23 Defendants.

) Case No. 2:15-cv-01733-MCE-DB

) **JOINT STIPULATION AND ORDER TO**  
) **AMEND THE JULY 28, 2016 ORDER AND**  
) **MARCH 7, 2016 SCHEDULING ORDER**

24 WHEREAS, the Court issued an Order regarding Plaintiff JoAnn Martinelli’s (“Plaintiff”)  
25 Motion To Compel on July 28, 2016 (the “July 28 Order”) [Dkt. 41], which requires Defendants McNeil  
26 Nutritionals, LLC and Johnson & Johnson (collectively, “Defendants”) to produce the documents  
27 referenced in the Order within 30 days.

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1 WHEREAS, the parties seek to request a modification of the July 28 Order to extend the amount  
2 of time Defendants have to produce the documents referenced in the Order.

3 WHEREAS, the Court issued a Scheduling Order on March 7, 2016 (the “March 7 Scheduling  
4 Order”) [Dkt. 25] setting the following deadlines:

5 Phase I Discovery Cut Off	October 24, 2016
6 PL Deadline to File Cert.	December 15, 2016
7 DE Deadline to Respond	January 12, 2017
8 PL Deadline to Reply	February 9, 2017
9 Class Cert. Hearing	February 23, 2017, at 2:00 p.m.

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11 WHEREAS, the parties seek to request a modification of the March 7 Scheduling Order to  
12 permit additional time to complete discovery and for Plaintiff to file her forthcoming motion for class  
13 certification.

14 WHEREAS, since the Court issued the July 28 Order and the March 7 Scheduling Order, the  
15 parties have been meeting and conferring regarding various fact discovery issues. The parties have been  
16 endeavoring to work cooperatively to resolve disputes without involvement of the Court.

17 WHEREAS, the parties jointly agree that the requested extension of the schedule is necessary to  
18 complete Phase I discovery.

19 WHEREAS, subject to the Court’s approval, the parties have jointly agreed to request an  
20 amendment to the July 28 Order and the March 7 Scheduling Order.

21 WHEREAS, the parties have not obtained any prior extensions of time from the Court in  
22 connection with this matter.

23 NOW THEREFORE, subject to the Court’s approval, the parties stipulate as follows:

- 24 1. The deadline for Defendants to produce the documents referenced in the July 28 Order shall be  
25 extended to October 7, 2016.
- 26 2. The March 7 Scheduling Order is amended as follows:

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	<b>Current</b>	<b>Proposed</b>
Phase I Discovery Cut Off	October 24, 2016	February 24, 2017
PL Deadline to File Cert.	December 15, 2016	March 31, 2017
DE Deadline to Respond	January 12, 2017	April 28, 2017
PL Deadline to Reply	February 9, 2017	May 26, 2017
Class Cert Hearing	February 23, 2017, at 2:00 p.m.	TBD

DATED: August 26, 2016

**TUCKER ELLIS LLP**

**By:** /s/ Mollie F. Benedict  
**Mollie F. Benedict - SBN 187084**  
**Attorneys for Defendants MCNEIL**  
**NUTRITIONALS LLC**  
**and JOHNSON & JOHNSON**

DATED: August 26, 2016

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

**By:** /s/ L. Timothy Fisher  
**L. Timothy Fisher - SBN 191626**  
**Attorneys for Plaintiff JOANN MARTINELLI**

**ORDER**

Pursuant to the foregoing stipulation (ECF No. 43), the Court's Scheduling Order (ECF No. 26) is hereby amended to reflect the dates and deadlines set forth above. The Court sets the hearing on Plaintiff's Motion for Class Certification for **June 15, 2017 at 2:00 P.M.**

IT IS SO ORDERED.

Dated: August 30, 2016

  
MORRISON C. ENGLAND, JR.  
UNITED STATES DISTRICT JUDGE