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 15 **UNITED STATES DISTRICT COURT**  
 16 **EASTERN DISTRICT OF CALIFORNIA**  
 17

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.  
 24

) Case No. 2:15-cv-01733-MCE-DB  
 )  
 ) **STIPULATION AND ORDER TO**  
 ) **CONTINUE HEARING ON DEFENDANTS**  
 ) **MCNEIL NUTRITIONALS, LLC AND**  
 ) **JOHNSON & JOHNSON’S MOTION TO**  
 ) **DENY NATIONWIDE CLASS**  
 ) **CERTIFICATION OR, IN THE**  
 ) **ALTERNATIVE, MOTION TO STRIKE**  
 ) **NATIONWIDE CLASS ALLEGATIONS**  
 )

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 26 It is hereby stipulated by and between the parties, Defendants Johnson & Johnson and McNeil  
 27 Nutritionals, LLC (“Defendants”) and Plaintiff JoAnn Martinelli (“Plaintiff”), by and through the  
 28 undersigned counsel as follows:

STIPULATION AND ORDER TO CONTINUE HEARING ON DEFENDANTS MCNEIL NUTRITIONALS, LLC AND  
 JOHNSON & JOHNSON’S MOTION TO DENY NATIONWIDE CLASS CERTIFICATION OR, IN THE  
 ALTERNATIVE, MOTION TO STRIKE NATIONWIDE CLASS ALLEGATIONS

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1. On September 23, 2016, Defendants Johnson & Johnson and McNeil Nutritionals, LLC filed a Motion to Deny Nationwide Class Certification Or, In The Alternative, Motion to Strike Nationwide Class Allegations. [Dkt. 45]. Defendants set the hearing for December 1, 2016 at 2:00 p.m.

2. Defendants’ counsel has an unforeseen scheduling conflict and is no longer available to attend the hearing.

3. The parties respectfully request that the Court continue the hearing to January 12, 2017 at 2:00 p.m.

DATED: November 10, 2016 TUCKER ELLIS LLP

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 NUTRITIONALS LLC  
 and JOHNSON & JOHNSON

DATED: November 10, 2016 BURSOR & FISHER, P.A.

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**Order**

Pursuant to the parties' stipulation, the hearing on Defendants' Motion to Deny Nationwide Class Certification Or, In The Alternative, Motion to Strike Nationwide Class Allegations, is hereby continued from December 1, 2016 to January 12, 2017.

IT IS SO ORDERED.

Dated: November 15, 2016

  
MORRISON C. ENGLAND, JR.  
UNITED STATES DISTRICT JUDGE

**CERTIFICATE OF SERVICE**

This Certificate of Service is made in compliance with Local Rule 5.1.2 and Civ.R. 5(b). I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 515 South Flower Street, Forty-Second Floor, Los Angeles, CA 90071-2223.

On the date indicated below, a true and correct copy of the foregoing **STIPULATION AND [PROPOSED] ORDER TO CONTINUE HEARING ON DEFENDANTS MCNEIL NUTRITIONALS, LLC AND JOHNSON & JOHNSON’S MOTION TO DENY NATIONWIDE CLASS CERTIFICATION OR, IN THE ALTERNATIVE, MOTION TO STRIKE NATIONWIDE CLASS ALLEGATIONS** was filed with Court and served electronically and will be available for viewing and downloading from the Court’s CM/ECF system:

The Notice of Electronic Case Filing automatically generated by the system and sent to all parties entitled to service under the Federal Rules of Civil Procedure and the Local Rules of the District of California who have consented to electronic service shall constitute service of the filed document to all such parties.

I declare under penalty of perjury that I am employed in the office of a member admitted to practice before the District Court for the Central District of California and ECF registered in this Court at whose direction the service was made and that the foregoing is true and correct.

Executed on, November 11, 2016, at Los Angeles, CA.

/s/ Amanda Villalobos