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Attorneys for Plaintiff

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

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

Plaintiff,

v.

JOHNSON & JOHNSON and McNEIL
NUTRITIONALS, LLC,

Defendants.

Case Number: 15-cv-01733-MCE-DB

**JOINT STIPULATION AND ORDER TO
AMEND THE AUGUST 30, 2016
SCHEDULING ORDER**

1 Plaintiff JoAnn Martinelli (“Plaintiff”) and Defendants Johnson & Johnson and McNeil
2 Nutritionals, LLC (“Defendants”), through their respective counsel of record, hereby stipulate and
3 agree as follows:

4 WHEREAS, on November 22, 2016, Plaintiff served Rule 30(b)(6) deposition notices on
5 Defendants, which scheduled Defendants’ depositions for January 10 and 11, 2017;

6 WHEREAS, subsequently, the parties convened several meet and confer conference calls to
7 discuss deposition scheduling and document discovery issues;

8 WHEREAS, the parties continued to meet and confer to discuss scheduling;

9 WHEREAS, on January 5, 2017, Plaintiff filed a motion to compel the production of
10 documents;

11 WHEREAS, on January 17, 2017, Plaintiff served a notice of deposition of William
12 Twomey on Defendants’ lawyers;

13 WHEREAS, on January 20, 2017, Plaintiff served notices of deposition of Sean Belke and
14 Steve Kirschenbaum on Defendants’ lawyers;

15 WHEREAS, on January 26, 2017, in connection with Plaintiff’s motion to compel
16 production of documents, Defendants’ lawyers agreed to produce documents from three new
17 custodians by February 10, 2017;

18 WHEREAS, Defendants have not yet designated their Rule 30(b)(6) witnesses, but are in
19 the process of doing so;

20 WHEREAS, the parties jointly agree that the requested extension of the schedule is
21 necessary to complete Phase I discovery; and

22 WHEREAS, the parties previously obtained an extension of time from the Court to
23 complete Phase I discovery on August 30, 2016, *see* Dkt. No. 44.

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

- 25 1. The deadline for Defendants to produce the documents from the three new
26 custodians shall be February 10, 2017;
27 2. The August 30, 2016 Scheduling Order is amended as follows:
28

	Current	Proposed
Phase I Discovery Cut Off	February 24, 2017	May 25, 2017
Plaintiff's Deadline to Move for Class Certification	March 31, 2017	June 29, 2017
Defendants' Deadline to Oppose Class Certification	April 28, 2017	July 27, 2017
Plaintiff's Deadline to File Class Certification Reply	May 26, 2017	August 24, 2017
Class Certification Hearing	June 15, 2017 at 2:00 p.m.	TBD

Dated: February 1, 2017

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By: /s/ L. Timothy Fisher
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Attorneys for Plaintiff

Dated: February 1, 2017

TUCKER ELLIS LLP

By: /s/ Amanda Villalobos (as authorized on 1/31/2017)
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Johnson & Johnson*

ORDER

Pursuant to the parties' stipulation and good cause appearing, the deadline for Defendants to produce the documents from the three new custodians shall be February 10, 2017. It is further ordered that the August 30, 2016 scheduling order shall be amended as follows:

	Former	Amended
Phase I Discovery Cut Off	February 24, 2017	May 25, 2017
Plaintiff's Deadline to Move for Class Certification	March 31, 2017	June 29, 2017
Defendants' Deadline to Oppose Class Certification	April 28, 2017	July 27, 2017
Plaintiff's Deadline to File Class Certification Reply	May 26, 2017	August 24, 2017
Class Certification Hearing	June 15, 2017 at 2:00 p.m.	September 21, 2017 at 2:00 p.m.

IT IS SO ORDERED.

Dated: February 9, 2017


MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE