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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  
FURTHER 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 September 30, 2016, Plaintiff moved for leave to amend with an additional  
5 plaintiff from New York, *see* Dkt. 46;

6 WHEREAS, Plaintiff’s motion for leave to amend was fully briefed on October 27, 2016  
7 and is pending before the Court;

8 WHEREAS, the adjudication of Plaintiff’s motion for leave to amend will impact her  
9 forthcoming motion for class certification, as it will affect (at minimum) the class definition and  
10 damages analysis;

11 WHEREAS, the adjudication of Plaintiff’s motion for leave to amend will also impact the  
12 expert witness work and report(s) that Plaintiff plans to submit in support of class certification;

13 WHEREAS, Plaintiff’s motion for class certification is presently due to be filed on or  
14 before June 29, 2017;

15 WHEREAS, Plaintiff’s counsel informed the Court’s Courtroom Deputy of these issues by  
16 telephone on March 29, 2017;

17 WHEREAS, Plaintiff seeks an extension of time to file her motion for class certification for  
18 the good cause stated above;

19 WHEREAS, on August 30, 2016 and February 10, 2017, the parties previously obtained  
20 extensions of time for class certification briefing in connection with requests to extend Phase I  
21 discovery, *see* Dkt. Nos. 44 and 70; and

22 WHEREAS, the parties are on track to complete Phase I discovery by the current deadline.

23 NOW THEREFORE, subject to the Court’s approval, the parties stipulate that the August  
24 30, 2016 Scheduling Order is further amended as follows:  
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	<b>Current</b>	<b>Proposed</b>	
1 2 3 4 5 6	Plaintiff's Deadline to Move for Class Certification	June 29, 2017	August 28, 2017
	Defendants' Deadline to Oppose Class Certification	July 27, 2017	October 30, 2017
	Plaintiff's Deadline to File Class Certification Reply	August 24, 2017	December 1, 2017
	Class Certification Hearing	September 21, 2017 at 2:00 p.m.	TBD

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9 Dated: April 26, 2017

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

10 By: /s/ L. Timothy Fisher  
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20  
21 *Attorneys for Plaintiff*

22 Dated: April 26, 2017

**TUCKER ELLIS LLP**

23 By: /s/ Amanda Villalobos (as authorized on 4/26/2017)  
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*Attorneys for Defendants McNeil Nutritionals, LLC and  
Johnson & Johnson*


**ORDER**

Pursuant to the parties' stipulation and good cause appearing, the Scheduling Order as most recently amended by stipulation and order on February 10, 2017, ECF No. 70, shall be amended as follows:

	<b>Current</b>	<b>Amended</b>
Plaintiff's Deadline to Move for Class Certification	June 29, 2017	August 28, 2017
Defendants' Deadline to Oppose Class Certification	July 27, 2017	October 2, 2017
Plaintiff's Deadline to File Class Certification Reply	August 24, 2017	November 3, 2017
Class Certification Hearing	September 21, 2017 at 2:00 PM	<b>December 14, 2017 at 2:00 PM</b>

IT IS SO ORDERED.

Dated: May 4, 2017

  
MORRISON C. ENGLAND, JR.  
UNITED STATES DISTRICT JUDGE