

1 **BURSOR & FISHER, P.A.**  
 L. Timothy Fisher (State Bar No. 191626)  
 2 1990 North California Boulevard, Suite 940  
 Walnut Creek, CA 94596  
 3 Telephone: (925) 300-4455  
 Facsimile: (925) 407-2700  
 4 E-Mail: ltfisher@bursor.com

5 **BURSOR & FISHER, P.A.**  
 Scott A. Bursor (State Bar No. 276006)  
 6 Joseph I. Marchese (admitted *pro hac vice*)  
 Neal J. Deckant (admitted *pro hac vice*)  
 7 Frederick J. Klorczyk III (admitted *pro hac vice*)  
 888 Seventh Avenue  
 8 New York, NY 10019  
 Telephone: (212) 989-9113  
 9 Facsimile: (212) 989-9163  
 E-Mail: scott@bursor.com  
 10 jmarchese@bursor.com  
 11 ndeckant@bursor.com  
 fklorczyk@bursor.com

12 *Attorneys for Plaintiff*

13  
 14 **UNITED STATES DISTRICT COURT**  
 15 **EASTERN DISTRICT OF CALIFORNIA**

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

19 Plaintiff,

20 v.

21 JOHNSON & JOHNSON and McNEIL  
 22 NUTRITIONALS, LLC,

23 Defendants.

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

**JOINT STIPULATION AND ORDER TO  
 FURTHER AMEND THE 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 August 28, 2017, Plaintiff moved for class certification, *see* Dkt. 80;

5 WHEREAS, on October 2, 2017, Defendants filed their opposition to Plaintiff’s motion for  
6 class certification (Dkt. No. 82), three expert rebuttal reports (Dkt. Nos. 83-3, 85-4, 85-5), and two  
7 *Daubert* motions against Plaintiff’s experts J. Michael Dennis and Colin Weir (Dkt. Nos. 83, 85).

8 WHEREAS, the deadline for Plaintiff to file her reply in support of her motion for class  
9 certification is November 3, 2017;

10 WHEREAS, the deadline for Plaintiff to file her oppositions to Defendants’ *Daubert*  
11 motions is November 30, 2017, *see* L.R. 230(c)-(d);

12 WHEREAS, the hearing on Plaintiff’s motion for class certification is currently schedule  
13 for December 14, 2017;

14 WHEREAS, issues concerning expert testimony and expert discovery are intertwined with  
15 Plaintiffs’ motion for class certification, Defendants’ *Daubert* motions, and Plaintiff’s forthcoming  
16 *Daubert* motions, if any;

17 WHEREAS, at least one of Defendants’ experts is unavailable for deposition prior to the  
18 week of December 18, 2017;

19 WHEREAS, Plaintiff seeks an extension of time to file her reply in support of her motion  
20 for class certification, her oppositions to Defendants’ *Daubert* motions, and her forthcoming  
21 *Daubert* motions against Defendants’ experts (if any) for the good cause stated above;

22 WHEREAS, on August 30, 2016, February 10, 2017, and May 5, 2017, the parties  
23 previously obtained extensions of time for class certification briefing in connection with requests to  
24 extend Phase I discovery as well as Plaintiff’s then-pending motion for leave to amend, *see* Dkt.  
25 Nos. 44, 70, and 75; and

26 NOW THEREFORE, subject to the Court’s approval, the parties stipulate that the  
27 Scheduling Order is further amended as follows:  
28

	<b>Current</b>	<b>Proposed</b>
Plaintiff's Deadline to Move for Class Certification	August 28, 2017	N/A
Defendants' Deadline to Oppose Class Certification	October 2, 2017	N/A
Deadline to Complete Expert Depositions	N/A	December 22, 2017 (unless otherwise agreed by the parties)
Plaintiff's Deadline to File Class Certification Reply, <i>Daubert</i> Oppositions, and <i>Daubert</i> Motions (if any)	November 3, 2017	January 5, 2018
Defendants' Deadline to File <i>Daubert</i> Replies	December 7, 2017	January 19, 2018
Defendants' Deadline to File <i>Daubert</i> Oppositions	N/A	January 26, 2018
Plaintiff's Deadline to File <i>Daubert</i> Replies	N/A	February 8, 2018
Class Certification and <i>Daubert</i> Hearing	December 14, 2017 at 2:00 PM	TBD

Dated: October 24, 2017

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

By: /s/ L. Timothy Fisher  
L. Timothy Fisher

L. Timothy Fisher (State Bar No. 191626)  
1990 North California Boulevard, Suite 940  
Walnut Creek, CA 94596  
Telephone: (925) 300-4455  
Facsimile: (925) 407-2700  
E-Mail: ltfisher@bursor.com

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New York, NY 10019  
Telephone: (212) 989-9113  
Facsimile: (212) 989-9163  
E-Mail: scott@bursor.com  
jmarchese@bursor.com  
ndeckant@bursor.com  
fklorkczyk@bursor.com

*Attorneys for Plaintiff*

Dated: October 24, 2017

**TUCKER ELLIS LLP**

By: /s/ Amanda Villalobos (as authorized on 10/24/2017)  
Amanda Villalobos

Mollie F. Benedict - SBN 187084  
mollie.benedict@tuckerellis.com  
Amanda Villalobos - SBN 262176  
amanda.villalobos@tuckerellis.com  
515 South Flower Street  
Forty-Second Floor  
Los Angeles, CA 90071-2223  
Telephone: 213.430.3400  
Facsimile: 213.430.3409

*Attorneys for Defendants McNeil Nutritionals, LLC and  
Johnson & Johnson*

**ORDER**

Pursuant to the stipulation of the parties and good cause appearing, the Scheduling Order previously amended May 5, 2017 (ECF No. 75) is further amended as follows:

	<b>Current</b>	<b>New</b>
Plaintiff's Deadline to Move for Class Certification	August 28, 2017	N/A
Defendants' Deadline to Oppose Class Certification	October 2, 2017	N/A
Deadline to Complete Expert Depositions	N/A	December 22, 2017
Plaintiff's Deadline to File Class Certification Reply, <i>Daubert</i> Oppositions, and <i>Daubert</i> Motions (if any)	November 3, 2017	January 5, 2018
Defendants' Deadline to File <i>Daubert</i> Replies	December 7, 2017	January 19, 2018
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Class Certification and <i>Daubert</i> Hearing	December 14, 2017 at 2:00 PM	TBD

1           Additionally, the parties are ordered to renote the Class Certification and Daubert  
2 hearings for a date in line with the briefing schedule provided above. The motions shall be  
3 renoted in compliance with Local Rule 230(a). Available civil law and motion calendar dates can  
4 be found on the Court's website at [www.caed.uscourts.gov](http://www.caed.uscourts.gov). Reservation of a hearing date is not  
5 required and civil law and motion hearings are at 2:00 p.m., in courtroom 7.

6           IT IS SO ORDERED.

7           Dated: October 30, 2017

8   
9 MORRISON C. ENGLAND, JR.  
10 UNITED STATES DISTRICT JUDGE