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10 Attorneys for Defendant
 11 THE QUAKER OATS COMPANY

12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA
 14 SAN FRANCISCO DIVISION

16 ELAINE PELOBELLO, individually and on
 17 behalf of all others similarly situated,

18 Plaintiff,

19 vs.

20 THE QUAKER OATS COMPANY,

21 Defendant.

Case No.: 3:11-cv-00093-RS

**JOINT STIPULATION TO TAKE THE
 CASE MANAGEMENT CONFERENCE
 OFF CALENDAR AND TO STAY THE
 PROCEEDING PENDING THE RULING
 OF THE JUDICIAL PANEL ON
 MULTIDISTRICT LITIGATION AND
 [PROPOSED] ORDER**

1 This Stipulation is entered into by and between Plaintiff Elaine Pelobello, an individual, and
2 Defendant The Quaker Oats Company (“Quaker”), by and through their respective counsel. This
3 Stipulation is made with respect to the following facts and circumstances:

4 WHEREAS, the Court related this case on February 8, 2011 to the matter of *Chacanaca, et*
5 *al. v. The Quaker Oats Company*, Case No. 5:10-cv-00502 RS, which is also related to the matters
6 of *Yrene, et al. v. The Quaker Oats Company*, Case No. 5:10-cv-05398-RS, and *Bruno and Yumul v.*
7 *The Quaker Oats Company*, Case No. 5:10-cv-05538,

8 WHEREAS, the Court has scheduled a case management conference in this matter for
9 February 24, 2011,

10 WHEREAS, the Parties filed on January 28, 2011 a joint stipulation requesting that the case
11 be stayed pending a decision by the Judicial Panel on Multidistrict Litigation (“JPML”) on a motion
12 to transfer this case and four other cases, including the *Chacanaca, Yrene* and *Bruno* cases, for
13 coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407,

14 WHEREAS, the JPML has set a hearing on the transfer motion to take place in San Diego,
15 California on March 30, 2011,

16 WHEREAS, the Court stayed the *Chacanaca, Yrene*, and *Bruno* actions as a result of the
17 pending JPML proceedings on February 3, 2011, *see* Feb. 3, 2011 *Chacanaca* Order Denying
18 Plaintiff’s Motion to Consolidate and Appoint Interim Class Counsel Without Prejudice,

19 WHEREAS, counsel for Quaker has planned to travel out of state on February 24, 2011,

20 NOW, THEREFORE, in consideration of the above, Plaintiff Elaine Pelobello and
21 Defendant Quaker, hereby stipulate as follows:

- 22 1. The Case Management Conference scheduled for February 24, 2011 shall be taken
23 off calendar.
 - 24 2. This action is stayed pending the ruling of the Judicial Panel on Multidistrict
25 Litigation regarding this case.
 - 26 3. All filing obligations and deadlines are hereby suspended.
- 27
28

1 4. The stay will remain in effect until the later of (1) thirty days after the decision by
2 the Judicial Panel on Multidistrict Litigation, or (2) until five days after the first status conference
3 with the MDL transferee judge.

4 IT IS SO STIPULATED.

5 Dated: February 17, 2011

ARNOLD & PORTER LLP

7 By: /s/ Angel A. Garganta
Angel A. Garganta

8 Attorneys for Defendant
9 The Quaker Oats Company

12 Dated: February 17, 2011

THE TERRELL LAW GROUP

15 By: /s/ Reginald Terrell
Reginald Terrell

16 Attorneys for Plaintiff Elaine Pelobello

19 **[PROPOSED] ORDER**

20 Based on the Parties' Joint Stipulation to Take the Case Management Conference Off
21 Calendar and to Stay The Proceeding Pending the Ruling of the Judicial Panel on Multidistrict
22 Litigation, and good cause appearing therefore, it is hereby ORDERED that:

23 1. The Case Management Conference scheduled for February 24, 2011 shall be taken
24 off calendar.


25 2. This action is stayed pending the ruling of the Judicial Panel on Multidistrict
26 Litigation regarding this case.

27 3. All filing obligations and deadlines are hereby suspended.

1 4. The stay will remain in effect until the later of (1) thirty days after the decision by
2 the Judicial Panel on Multidistrict Litigation, or (2) until five days after the first status conference
3 with the MDL transferee judge.

4
5 **IT IS SO ORDERED.**

6
7 Dated: 2/17/11

8
9
10 By: 
11 RICHARD SEEBORG
12 United States District Judge

13 **Submitted by:**

14 ARNOLD & PORTER LLP

15 THE TERRELL LAW GROUP

16
17 By: /s/ Angel A. Garganta
18 Angel A. Garganta

17 By: /s/ Reginald Terrell
18 Reginald Terrell

19 Attorneys for Defendant
20 The Quaker Oats Company

19 Attorneys for Plaintiff Elaine Pelobello