

1 LEXINGTON LAW GROUP
 Mark N. Todzo (State Bar No. 168389)
 2 Howard Hirsch (State Bar No. 213209)
 Lucas Williams (State Bar No. 264518)
 3 503 Divisadero Street
 San Francisco, CA 94117
 4 Telephone: (415) 913-7800
 Facsimile: (415) 759-4112
 5 mtodzo@lexlawgroup.com
 hhirsch@lexlawgroup.com
 6 lwilliams@lexlawgroup.com

7 *Attorneys for Plaintiffs ROSMINAH BROWN and*
 8 *ERIC LOHELA*

William J. Friedman (admitted *pro hac vice*)
 9 wfriedman@cov.com
 Samantha J. Choe (State Bar No. 252002)
 10 schoe@cov.com
 COVINGTON & BURLING LLP
 11 One Front Street
 San Francisco, CA 94111
 12 Telephone: (415) 591-6000
 Facsimile: (415) 591-6091
 13

14 *Attorneys for Defendant*
 15 *THE HAIN CELESTIAL GROUP, INC.*

16 **UNITED STATES DISTRICT COURT**
 17 **NORTHERN DISTRICT OF CALIFORNIA**

18 ROSMINAH BROWN and ERIC LOHELA, on
 19 behalf of themselves and all others similarly
 20 situated,
 21 **Plaintiffs,**
 22 vs.
 23 THE HAIN CELESTIAL GROUP, INC., a
 Delaware Corporation,
 24 **Defendant.**

Case No. C 11-03082 LB

**STIPULATED MOTION FOR
 ADMINISTRATIVE RELIEF TO RESET
 CASE MANAGEMENT DEADLINES (N.D.
 Cal. Local Rules 7-11 & 6-2)**

1 **STIPULATED MOTION FOR ADMINISTRATIVE RELIEF TO RESET CASE**
2 **MANAGEMENT CONFERENCE**

3 Pursuant to Local Rules 7-11 and 6-2, Plaintiffs Rosminah Brown and Eric Lohela
4 (“Plaintiffs”) and Defendant The Hain Celestial Group, Inc. (“Defendant”) (collectively, the
5 “Parties”) hereby request that the Court reset the case management deadlines in accordance with
6 the dates set forth herein.

7 On February 27, 2012, the Court entered the operative case management order (“CMO”)
8 which established all of the pertinent litigation deadlines through trial, including the briefing
9 schedule on Defendant’s first motion to dismiss. ECF No. 25. The CMO set a class certification
10 filing deadline of August 17, 2012. *Id.* On July 18, 2012, pursuant to stipulation of the Parties,
11 the Court vacated the class certification deadlines set by the CMO, and ordered that such deadlines
12 be subsequently rescheduled. ECF No. 57. On August 1, 2012, the Court denied Defendant’s first
13 motion to dismiss, and directed the parties to meet and confer regarding all case deadlines and
14 propose new dates. ECF No. 58. On August 9, 2012, Defendant filed a motion to certify an
15 interlocutory appeal and to stay the case pending appeal with a hearing date of September 20,
16 2012. ECF No. 60. On August 21, 2012, Plaintiffs’ filed their first amended complaint. ECF No.
17 68.

18 On September 13, 2012, Plaintiffs submitted a proposal for revised case management
19 deadlines along with the Parties’ joint case management statement in advance of the September
20 20, 2012 case management conference, whereas Defendant contended that all deadlines should be
21 stayed. ECF Nos. 77 & 77-1. On September 24, 2012, the Court granted Defendant’s motion to
22 certify an interlocutory appeal but declined to stay the case. ECF No. 79. However, the Court did
23 not rule on Plaintiffs’ proposed case management deadlines, as the Parties’ and the Court’s focus
24 at the hearing was on the motion to certify interlocutory appeal and stay case pending appeal. *See*
25 September 20, 2012 Transcript of Proceedings, at 23:20 -27:7.

26 On September 28, 2012, pursuant to stipulation of the Parties, the Court extended
27 Defendant’s deadline to respond to the First Amended Complaint until October 8, 2012, with
28 Plaintiffs’ opposition to any motion to dismiss due November 12, 2012 and Defendant’s reply

1 brief due November 26, 2012. ECF No. 81. Defendant filed its second motion to dismiss and
2 motion to strike on October 9, 2012 and Plaintiffs filed their oppositions thereto on November 12,
3 2012 with a hearing date set for December 20, 2012. ECF Nos. 85-87. Finally, on November 20,
4 2012, Plaintiffs agreed to Defendant's request for a brief extension of Defendant's reply briefs in
5 support of its second motion to dismiss and motion to strike until November 30, 2012 at 12:00
6 p.m. Eastern Time/9:00 a.m. Pacific Time in order to accommodate Defendant's counsel's holiday
7 travel schedules.

8 Meanwhile, the Parties have had multiple discovery disputes. On July 2, 2012, the Parties
9 submitted a joint discovery dispute letter regarding Defendant's obligation to respond to Plaintiffs'
10 first set of discovery requests while the first motion to dismiss was pending and the relevance of
11 three categories of information sought by Plaintiffs. ECF No. 52. On August 10, 2012, the Court
12 ruled that Defendant's objection to discovery until disposition of its first Motion to Dismiss was
13 moot and that the categories of information sought by Plaintiff were relevant and declined to stay
14 discovery. ECF No. 64. On October 26, 2012, the Parties submitted four additional discovery
15 dispute letters related to Plaintiffs' first and second sets of discovery requests as to Defendant's
16 burden objections and the relevance of certain categories of information. ECF Nos. 88-91. The
17 Court has not ruled on those letters.

18 The operative CMO's December 7, 2012 non-expert discovery cutoff is less than three
19 weeks away (ECF No. 25) and non-expert discovery has not been completed. Moreover, as
20 described above, the CMO's class certification deadlines have already been vacated, while the
21 remaining deadlines are rapidly approaching. Accordingly, the Parties request that the Court
22 adopt the case management schedule set forth below:

23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Event	Current Deadline Per 2/27/12 CMO	New Date Proposed by Parties
Defendant's Reply Brief In Support of Second Motion to Dismiss	11/26/2012 (per 9/28/2012 Order)	11/30/2012 at 12 p.m. Eastern Time/9:00 a.m. Pacific Time
Opening brief for class certification	8/17/2012 (vacated per 7/17/12 Order)	4/15/2013
Opposition brief for class certification	10/4/2012 (vacated per 7/17/12 Order)	6/4/2013
Reply brief for class certification	10/31/2012 (vacated per 7/17/12 Order)	7/09/2013
Last day to hear motion for class certification	11/15/2012 (vacated per 7/17/12 Order)	8/01/2013
Non-expert discovery completion date	12/7/2012	8/8/2013
Expert disclosures required by Federal Rules of Civil Procedure	12/21/2012	8/22/2013
Rebuttal expert disclosures	1/11/2013	9/12/2013
Expert discovery completion date	2/1/2013	10/3/2013
Last hearing date for dispositive motions	3/21/2013	11/01/2013
Meet and confer re pretrial filings	4/9/2013	11/8/2013
Pretrial filings due	4/18/2013	11/18/2013
Oppositions, Objections, Exhibits, and Depo Designations due	4/25/2013	11/25/2013
Final Pretrial Conference	5/9/2013, at 10:30 a.m.	12/9/2013, at 10:30 a.m.
Trial	5/20/2013, at 8:30 a.m.	12/16/2013, at 8:30 a.m.
Length of Trial	3 days	no change

1 The Parties' proposed schedule generally pushes back the dates in the CMO by
2 approximately eight months. The Parties believe that this schedule is reasonable and necessary.
3 The parties request that the date for submission of the Defendant's replies to Plaintiffs' opposition
4 to the Motion to Dismiss and Motion to Strike as well as the non-expert discovery completion date
5 be considered separately if the Court has concerns with the other proposed case management
6 dates. For these reasons, the Parties respectfully request that the Court adopt the schedule set forth
7 above.

8 Dated: November 20, 2012

LEXINGTON LAW GROUP

9

By: /s/ Mark N. Todzo
Mark N. Todzo
Attorneys for Plaintiffs
ROSMINAH BROWN and
ERIC LOHELA

10

11

12

13

14 Dated: November 20, 2012

COVINGTON & BURLING LLP

15

By: /s/ William J. Friedman
William J. Friedman
Attorneys for Defendant
THE HAIN CELESTIAL GROUP, INC.

16

17

18

IT IS SO ORDERED.

19

20 Dated: November 26, 2012



21

The Honorable Laurel Beeler
United States Magistrate Judge

22

23

24

25

26

27

28