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 Nonni's Foods LLC
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9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA

11 TAMAR DAVIS LARSEN AND KIMBERLY S.
 12 SETHAVANISH, on behalf of themselves and all
 others similarly situated,

13 Plaintiffs,

14 vs.

15 NONNI'S FOODS LLC AND CHIPITA
 16 AMERICA, INC.,

17 Defendants.
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Case No.: 11-CV-04758-SC

**STIPULATION AND [PROPOSED]
 ORDER TO EXTEND DEFENDANTS'
 TIME TO RESPOND TO PLAINTIFFS'
 COMPLAINT AND TO MODIFY
 BRIEFING SCHEDULE**

L.R. 6-1(a) and L.R. 7-12

19 WHEREAS, on September 23, 2011, Plaintiffs Tamar Davis Larsen and Kimberly S.
 20 Sethavanish (collectively, "Plaintiffs") filed their "Complaint For Damages, Equitable, Declaratory
 21 And Injunctive Relief" in the above-captioned Court, alleging claims against defendants Nonni's
 22 Foods, LLC and Chipita America, Inc. (collectively, "Defendants") for violations of California
 23 Business and Professions Code sections 17200 (Unfair Competition Law) and 17500 (False
 24 Advertising Law) and California Civil Code section 1750 (Consumer Legal Remedies Act), as well
 25 as claims for common law fraud and restitution; and

26 WHEREAS, on November 15, 2011, the parties filed a Second Stipulation to Extend
 27 Defendants' Time to Respond to Plaintiffs' Complaint, thereby granting Defendants an extension to
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1 and including November 30, 2011 to respond to the Complaint; and

2 WHEREAS, the parties now agree to an additional extension of time for Defendants to
3 respond to the Complaint, through and including January 13, 2012; and

4 WHEREAS, counsel for Nonni's Foods LLC is in the process of substituting in as counsel of
5 record for Chipita America, Inc.; and

6 WHEREAS, the parties intend to participate in good faith settlement discussions, which may
7 obviate the need for the Court to decide matters relating to Defendants' response to Plaintiffs'
8 Complaint; and

9 WHEREAS, there is an Initial Status Conference in this matter currently set for January 13,
10 2012; and

11 WHEREAS, this extension will not alter the date of any event or any deadline already fixed
12 by Court order;

13 WHEREAS, in light of the foregoing, good causes exists to grant Defendants additional time
14 to respond to Plaintiffs' Complaint.

15 IT IS HEREBY STIPULATED, by and between Plaintiffs and Defendants, through their
16 respective attorneys of record, that:

- 17 1. Pursuant to Local Rule 6-1, Defendants shall have an extension of time, to and
18 including January 13, 2012, to file a response to Plaintiffs' Complaint;
- 19 2. Defendants will notice any necessary hearing for its response to Plaintiffs' Complaint
20 no earlier than March 9, 2012; and
- 21 3. Pursuant to Local Rule 7-12, the following briefing schedule shall apply to
22 Defendants' response to Plaintiffs' Complaint:
 - 23 a. Defendants' responsive pleading to be due January 13, 2012
 - 24 b. Plaintiffs' opposition to be due February 9, 2012
 - 25 c. Defendants' reply to be due February 23, 2012

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27 PURSUANT TO STIPULATION IT IS SO ORDERED.

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United States District Court Judge

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DATED: November 29, 2011.

LAW OFFICES OF JANET LINDNER
SPIELBERG

By: _____
Janet Lindner
Attorney for Plaintiffs Tamar Davis Larsen and
Kimberly S. Sethavanish

DATED: November 29, 2011.

REED SMITH LLP

By:  _____
Donald P. Rubenstein
Heather B. Hoesterey
Attorneys for Defendant Chipita America, Inc.

DATED: November 29, 2011.

KIRKLAND & ELLIS LLP

By: _____
C. Robert Boldt
Beth M. Weinstein
Attorneys for Defendant Nonni's Foods LLC

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that I filed the foregoing **STIPULATION AND [PROPOSED] ORDER**
3 **TO EXTEND DEFENDANTS' TIME TO RESPOND TO PLAINTIFFS' COMPLAINT AND**
4 **TO MODIFY BRIEFING SCHEDULE** with the Clerk of Court using the CM/ECF system, which
5 will automatically send email notification of such filing to the following attorneys of record:

6 Michael D. Braun
7 Email: service@braunlawgroup.com

Heather B. Hoesterey
Email: hhoesterey@reedsmith.com

8 Janet Lindner Spielberg
9 Email: jlspielberg@jlspl.com

Attorneys for Defendant Chipita America, Inc.

10 *Attorneys for Plaintiffs*

11
12 This 29th day of November, 2011.

13 s/ Beth M. Weinstein
14 Beth M. Weinstein