

1 Robert Boldt (SB# 180136)  
 Email: robert.boldt@kirkland.com  
 2 Beth Marie Weinstein (SB# 252334)  
 Email: beth.weinstein@kirkland.com  
 3 KIRKLAND & ELLIS LLP  
 333 S. Hope Street  
 4 Los Angeles, CA 90071  
 Telephone: (213) 680-8400  
 5 Facsimile: (213) 680-8500

6 Attorneys for Defendant  
 Nonni's Foods LLC and Chipita America, Inc.  
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9 UNITED STATES DISTRICT COURT  
 10 NORTHERN DISTRICT OF CALIFORNIA

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

13 Plaintiffs,

14 vs.

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

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

**STIPULATION AND [PROPOSED]  
 ORDER TO EXTEND DEFENDANTS'  
 TIME TO RESPOND TO PLAINTIFFS'  
 COMPLAINT, TO MODIFY BRIEFING  
 SCHEDULE AND TO POSTPONE CASE  
 MANAGEMENT CONFERENCE**

**L.R. 6-1(a), 7-12 and 16-2(e)**

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

27 WHEREAS, on November 15, 2011, the parties filed a Second Stipulation to Extend  
 28 Defendants' Time to Respond to Plaintiffs' Complaint, thereby granting Defendants an extension to

1 and including November 30, 2011 to respond to the Complaint; and

2 WHEREAS, on November 29, 2011, the parties filed a Third Stipulation to Extend  
3 Defendants' Time to Respond to Plaintiffs' Complaint; and

4 WHEREAS, the parties now agree to an additional extension of time for Defendants to  
5 respond to the Complaint, through and including April 13, 2012; 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, in light of the parties' intent to participate in good faith settlement discussions,  
10 the parties agree that the date of this Court's Case Management Conference in this matter, currently  
11 set for January 13, 2012, should be postponed to April 20, 2012 (or a date near to April 20, 2012), in  
12 order to give the parties time to attempt to resolve the dispute privately and also to avoid wasting the  
13 Court's time and resources; and

14 WHEREAS, in light of the foregoing, good causes exists to grant Defendants additional time  
15 to respond to Plaintiffs' Complaint and to postpone the Case Management Conference.

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

- 18 1. Pursuant to Local Rule 6-1, Defendants shall have an extension of time, to and  
19 including April 13, 2012, to file a response to Plaintiffs' Complaint;
- 20 2. Defendants will notice any necessary hearing for its response to Plaintiffs' Complaint  
21 no earlier than June 8, 2012; and
- 22 3. Pursuant to Local Rule 7-12, the following briefing schedule shall apply to  
23 Defendants' response to Plaintiffs' Complaint:
  - 24 a. Defendants' responsive pleading to be due April 13, 2012
  - 25 b. Plaintiffs' opposition to be due May 11, 2012
  - 26 c. Defendants' reply to be due May 25, 2012

27 PURSUANT TO STIPULATION IT IS SO ORDERED.



28 Dated: 12/27/2011

United States District Court Judge

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DATED: December 21, 2011.

LAW OFFICES OF JANET LINDNER  
SPIELBERG

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

DATED: December 21, 2011.

KIRKLAND & ELLIS LLP

By:           /S/ Beth M. Weinstein            
C. Robert Boldt  
Beth M. Weinstein  
Attorneys for Defendants Nonni's Foods LLC  
and Chipita America, Inc.

FILER'S ATTESTATION:

Pursuant to General Order 45, Section X.B regarding signatures, I attest under the penalty of perjury that the concurrence in the filing of this document has been obtained from its signatories.

DATED: December 21, 2011.

KIRKLAND & ELLIS LLP

By:           /S/ Beth M. Weinstein            
Beth M. Weinstein