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 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, on December 21, 2011, the parties filed a Fourth Stipulation to Extend
5 Defendants' Time to Respond to Plaintiffs' Complaint; and

6 WHEREAS, the parties now agree to an additional extension of time for Defendants to
7 respond to the Complaint, through and including June 15, 2012; and

8 WHEREAS, the parties have confirmed their agreement to participate in a private mediation
9 beginning on April 30, 2012, which may obviate the need for the Court to decide matters relating to
10 Defendants' response to Plaintiffs' Complaint; and

11 WHEREAS, in light of the parties' intent to participate in good faith settlement discussions,
12 the parties agree that the date of this Court's Case Management Conference in this matter, currently
13 set for April 20, 2012, should be postponed to 10 a.m. on September 7, 2012, in Courtroom #1 (or a
14 date near to September 7, 2012), in order to give the parties time to attempt to resolve the dispute
15 privately and also to avoid wasting the Court's time and resources; and

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

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

- 20 1. Pursuant to Local Rule 6-1, Defendants shall have an extension of time, to and
21 including June 15, 2012, to file a response to Plaintiffs' Complaint;
- 22 2. Defendants will notice any necessary hearing for its response to Plaintiffs' Complaint
23 no earlier than August 10, 2012; and

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3. Pursuant to Local Rule 7-12, the following briefing schedule shall apply to Defendants' response to Plaintiffs' Complaint:

- a. Defendants' responsive pleading to be due June 15, 2012
- b. Plaintiffs' opposition to be due July 13, 2012
- c. Defendants' reply to be due July 27, 2012

DATED: March 30, 2012.

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: March 30, 2012.

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: March 30, 2012.

KIRKLAND & ELLIS LLP

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

PURSUANT TO STIPULATION IT IS SO ORDERED.



