

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.  
 17  
 18  
 19

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, on March 30, 2012, the parties filed a Fifth Stipulation to Extend Defendants'  
7 Time to Respond to Plaintiffs' Complaint; and

8 WHEREAS, the parties now agree to an additional extension of time for Defendants to  
9 respond to the Complaint, through and including September 7, 2012; and

10 WHEREAS, the parties have participated in private mediation on April 30, 2012, wherein the  
11 parties reached an agreement in principle, and are working to complete settlement documentation  
12 and working through related issues, and expect such work to obviate the need for the Court to decide  
13 matters relating to Defendants' response to Plaintiffs' Complaint; and

14 WHEREAS, in light of the parties' continuing work, the parties agree that the date of this  
15 Court's Case Management Conference in this matter, currently set for September 7, 2012, should be  
16 postponed to 10 a.m. on November 16, 2012, in Courtroom #1 (or a date near to November 16,  
17 2012), in order to give the parties time to attempt to resolve the dispute privately and also to avoid  
18 wasting the Court's time and resources; and

19 WHEREAS, the parties shall filed with this Court a joint Case Management Statement at  
20 least 7 days before the Case Management Conference and shall appear in person to the Case  
21 Management Conference; and

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

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

- 26 1. No further request shall be made by the parties to extend the time for Defendants to  
27 respond to Plaintiffs' Complaint or to postpone the Case Management Conference;
- 28 2. Pursuant to Local Rule 6-1, Defendants shall have an extension of time, to and

- 1 including September 7, 2012, to file a response to Plaintiffs' Complaint;
- 2 3. Defendants will notice any necessary hearing for its response to Plaintiffs' Complaint
- 3 no earlier than October 12, 2012; and
- 4 4. Pursuant to Local Rule 7-12, the following briefing schedule shall apply to
- 5 Defendants' response to Plaintiffs' Complaint:
- 6 a. Defendants' responsive pleading to be due September 7, 2012
- 7 b. Plaintiffs' opposition to be due September 21, 2012
- 8 c. Defendants' reply to be due September 28, 2012

9 DATED: June 7, 2012.

LAW OFFICES OF JANET LINDNER  
SPIELBERG

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

14 DATED: June 7, 2012.

KIRKLAND & ELLIS LLP

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

19 FILER'S ATTESTATION:

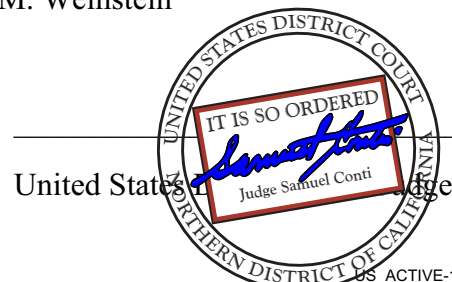
20 Pursuant to General Order 45, Section X.B regarding signatures, I attest under the penalty of  
21 perjury that the concurrence in the filing of this document has been obtained from its signatories.

23 DATED: June 7, 2012.

KIRKLAND & ELLIS LLP

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

27 PURSUANT TO STIPULATION, IT IS SO ORDERED.



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, TO**  
4 **MODIFY BRIEFING SCHEDULE AND TO POSTPONE CASE MANAGEMENT**  
5 **CONFERENCE** with the Clerk of Court using the CM/ECF system, which will automatically send  
6 email notification of such filing to the following attorneys of record:

7 Michael D. Braun  
8 Email: [service@braunlawgroup.com](mailto:service@braunlawgroup.com)

9 Janet Lindner Spielberg  
10 Email: [jlspielberg@jlslp.com](mailto:jlspielberg@jlslp.com)

11 Joseph N. Kravec, Jr.  
12 Email: [jkravec@stemberfeinstein.com](mailto:jkravec@stemberfeinstein.com)

13 *Attorneys for Plaintiffs*

14  
15 This 7th day of June, 2012.

16 /S/ Beth M. Weinstein  
17 Beth M. Weinstein