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12 [Additional Counsel Appear on Signature Page]

13  
 14 UNITED STATES DISTRICT COURT  
 15 NORTHERN DISTRICT OF CALIFORNIA  
 16 SAN FRANCISCO DIVISION  
 17

18 MATTHEW EDWARDS, GEORGIA  
 BROWNE, and TORAH MONTESSORI  
 19 SCHOOL, individually and on behalf of all  
 others similarly situated,

20 Plaintiffs,

21 v.

22 NATIONAL MILK PRODUCERS  
 23 FEDERATION aka COOPERATIVES  
 WORKING TOGETHER; DAIRY FARMERS  
 24 OF AMERICA, INC.; LAND O'LAKES,  
 INC.; DAIRYLEA COOPERATIVE INC.; and  
 25 AGRI-MARK, INC.,

26 Defendants.

CASE NO.: 3:11-CV-04766-JSW

[consolidated with 11-cv-04791-JSW  
and 11-cv-05253-JSW]

CLASS ACTION

**STIPULATION AND ~~[PROPOSED]~~  
ORDER EXTENDING TIME TO  
ANSWER AMENDED COMPLAINT  
AND TO IMPEAD THIRD PARTIES,  
AND SETTING INITIAL CASE  
MANAGEMENT CONFERENCE**

**ACTION FILED: September 26, 2011**

1 Plaintiffs Matthew Edwards, Georgia Browne, Torah Montessori School, Danell Tomasella,  
2 Jeffrey Robb, Nels Thogersen, Boys and Girls Club of the East Valley, Mary Anderson, Cody  
3 Barrett, Chloe Britzius, Joseph Burwell, Jennifer Clites, Scott Cook, Robert Deloss, Julie Ewald,  
4 Robert George, Ian Groves, Tiffany Marie Havener, Amy Her, John Murray, Justin Paczesny, Kory  
5 Pentland, Jonathan Rizzo, Harmonie Skipper, Teresa Tobin, Scott Weber, and Alex Weinstein  
6 (collectively, "Plaintiffs") and Defendants National Milk Producers Federation, aka Cooperatives  
7 Working Together, Dairy Farmers of America, Inc., Land O'Lakes, Inc., Dairylea Cooperative Inc.,  
8 and Agri-Mark, Inc. (collectively, "Defendants") (together, the "Parties"), subject to the Court's  
9 review and approval, hereby stipulate as follows:  
10

11 **STIPULATION**

12 WHEREAS, on August 20, 2012, Plaintiffs filed a Consolidated Amended Class Action  
13 Complaint ("Complaint") in this action;  
14

15 WHEREAS, on October 30, 2012, this Court denied Defendants' Motions to Dismiss the  
16 Complaint (Dkt. No. 123);

17 WHEREAS, Plaintiffs do not intend to file an amended complaint by November 15, 2012, as  
18 permitted by that order;

19 WHEREAS, under Federal Rule of Civil Procedure 12(a)(4), Defendants have 14 days  
20 following denial of their Motion to Dismiss to file an answer to the Complaint;  
21

22 WHEREAS, the Parties have conferred and agree that the time for Defendants to answer the  
23 Complaint should be extended to November 27, 2012;

24 WHEREAS, there is no date set for the initial case management conference and the earliest  
25 available date on the Court's calendar on which all parties are available appears to be February 8,  
26 2013, at 1:30 p.m.;

1 WHEREAS, the Parties have conferred and agree that the initial case management conference  
2 shall be set for this date and time;

3 WHEREAS, in the meanwhile, the parties will meet and confer as soon as practicable as  
4 required by Federal Rule of Civil Procedure 26(f);

5 WHEREAS, the Parties have conferred and agree that the time for Defendants to serve a  
6 summons and complaint on any nonparty pursuant to Federal Rule of Civil Procedure 14(a) should be  
7 extended without prejudice until January 4, 2013, by which time Defendants must also notify any  
8 such party of the date set for the initial case management conference;

9 WHEREAS, the Parties, through their respective counsel, have stipulated to the terms  
10 provided herein;

11 NOW THEREFORE, the Parties, through their undersigned respective counsel, stipulate,  
12 agree, and request as follows:  
13

14 1. Defendants' time to answer Plaintiffs' Consolidated Amended Class Action Complaint  
15 under Federal Rule of Civil Procedure 12(a)(4) shall be extended to November 27, 2012.

16 2. An initial case management conference shall be set for February 8, 2013, at 1:30 p.m.

17 3. Defendants' time to serve a summons and complaint on any nonparty pursuant to  
18 Federal Rule of Civil Procedure 14(a) shall be extended without prejudice until January 4, 2013, by  
19 which time Defendants must also notify any such party of the date set for the initial case management  
20 conference.  
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22 Dated: November 16, 2012

Respectfully submitted,

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**FILER’S ATTESTATION**

I, Matthew S. Kahn, attest that concurrence in the filing of this document has been obtained from each of the other signatories.

~~PROPOSED~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: November 19, 2012  
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HONORABLE JEFFREY S. WHITE  
DISTRICT JUDGE

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