

1 Joseph N. Kravec, Jr. (admitted *pro hac vice*)
 2 Wyatt A. Lison (admitted *pro hac vice*)
 3 **STEMBER FEINSTEIN DOYLE**
 4 **PAYNE & KRAVEC, LLC**
 5 Allegheny Building, 17th Floor
 6 429 Forbes Avenue
 7 Pittsburgh, PA 15219
 8 Tel: (412) 281-8400
 9 Fax: (412) 281-1007
 10 Email: jkravec@stemberfeinstein.com
 11 wlison@stemberfeinstein.com

Carla Christofferson (Bar No. 161111)
 Margaret A. Moeser (Bar No. 253177)
 Kate Ides (Bar No. 274820)
O'MELVENY & MYERS, LLP
 400 South Hope Street
 Los Angeles, CA 90071-2899
 Tel: (213) 430-6000
 Fax: (213) 430-6407
 Email: cchristofferson@omm.com
mmoeser@omm.com
kides@omm.com

8 Michael D. Braun (Bar No. 167416)
 9 **BRAUN LAW GROUP, P.C.**
 10 10680 W. Pico Blvd., Suite 280
 11 Los Angeles, CA 90064
 12 Tel: (310) 836-6000
 13 Fax: (310) 836-6010
 14 Email: service@braunlawgroup.com

Randall W. Edwards (Bar No. 179053)
O'MELVENY & MYERS, LLP
 Two Embarcadero Center, 28th Floor
 San Francisco, CA 94111-3823
 Tel: (415) 984-8700
 Fax: (415) 984-8701
 Email: redwards@omm.com

12 Janet Lindner Spielberg (Bar No. 221926)
 13 **LAW OFFICE OF JANET LINDNER**
 14 **SPIELBERG**
 15 12400 Wilshire Blvd., Suite 400
 16 Los Angeles, CA 90025
 17 Phone: (310) 392-8801
 18 Fax: (310) 278-5938
 19 Email: jlspielberg@jlsplp.com

ATTORNEYS FOR DEFENDANT

ATTORNEYS FOR PLAINTIFFS

**IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION**

**TAMAR DAVIS LARSEN AND ARAN
 EISENSTAT, on behalf of themselves and all
 others similarly situated,**

CASE NO.: 3:11-cv-05188-SI

CLASS ACTION

Plaintiffs,

**~~PROPOSED~~ STIPULATED CASE
 MANAGEMENT ORDER**

v.

**TRADER JOE'S COMPANY, a California
 Corporation,**

Defendant.

1 Pursuant to Local Rules 7-11(a) and 7-12, Plaintiffs Tamar Davis Larsen and Aran Eisenstat
2 and Defendant Trader Joe's Company (collectively, the "Parties"), submit this Proposed Stipulated
3 Case Management Order.

4 WHEREAS, Plaintiffs filed the operative Second Amended Complaint (Dkt. 33) on March
5 23, 2012;

6 WHEREAS, also on March 23, 2012, the Case Management Conference took place.
7 Although the Court issued Civil Pretrial Minutes (Dkt. 34) allowing Plaintiffs to further amend their
8 complaint and setting a briefing schedule for Defendant's motion to dismiss, the Court did not sign
9 the Proposed Order on Joint Case Management Conference or set deadlines for any events following
10 a ruling on Defendant's motion to dismiss;

11 WHEREAS, Defendant filed its Motion to Dismiss the Second Amended Complaint (Dkt.
12 38) on April 20, 2012;

13 WHEREAS, the Court granted in part and denied in part Defendant's Motion to Dismiss by
14 Order (Dkt. 41) dated June 14, 2012;

15 WHEREAS, Defendant filed its Answer and Defenses to Plaintiffs' Second Amended
16 Complaint (Dkt. 43) on June 29, 2012;

17 WHEREAS, on July 10, 2012, the Parties participated in a private mediation;

18 WHEREAS, following the private mediation, the Parties continued to engage in settlement
19 discussions during July and August. The Parties negotiated in good faith, but so far have been
20 unable to reach a settlement. After mediation, the Parties began to engage in discovery;

21 WHEREAS, the Parties have conferred and request the Court enter a scheduling order setting
22 dates relating to class certification in this matter and deferring all other pre-trial scheduling until
23 after the Court decides the issue of class certification. The Parties' proposed schedule accounts for
24 both first party discovery of Plaintiffs and Defendant, as well as the anticipated third-party discovery
25 of Defendant's product suppliers, the ingredient suppliers for the products at issue, and any
26 necessary expert discovery for the purpose of class certification;

1 NOW, THEREFORE, the Parties hereby stipulate, by and through their respective attorneys
2 of record and respectfully request that the Court enter this Proposed Stipulated Case Management
3 Order setting forth the following briefing schedule for class certification:

| EVENT | PROPOSED DEADLINE |
|--|--------------------------|
| Motion for Class Certification | March 1, 2013 |
| Opposition to Motion for Class Certification | March 29, 2013 |
| Reply in Support of Motion for Class Certification | April 12, 2013 |
| Hearing on Motion for Class Certification | April 26, 2013 |
| *Merits Discovery Cutoff | |
| *Expert Reports | |
| *Expert Discovery Cutoff | |
| *Dispositive Motion Cutoff | |
| *Other Motion Cutoff (Other than Motions in Limine) | |
| * Pretrial Conference (hearing on Motions in Limine, agreed jury instructions and verdict forms, proposed voir dire questions) | |
| * Pre-Trial Briefs | |
| *Trial Date | |

16 * The Court will set a Case Management Conference following its ruling on the motion for class
17 certification to schedule all additional class, merits, and other remaining pre-trial proceedings.

18 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

19 DATED: October 1, 2012

20 By: s/ Joseph N. Kravec, Jr.

21 JOSEPH N. KRAVEC, JR.
22 WYATT A. LISON
23 MICHAEL D. BRAUN
24 JANET LINDNER SPIELBERG

25 Attorneys for Plaintiffs
26 TAMAR DAVIS LARSEN AND ARAN
27 EISENSTAT
28

1 DATED: October 1, 2012

By: s/ Randall W. Edwards via consent


2 CARLA CHRISTOFFERSON
3 MARGARET A. MOESER
4 KATE IDES
5 RANDALL W. EDWARDS
6 Attorneys for Defendant
7 TRADER JOE'S COMPANY

8 I hereby attest that the concurrence in the filing of this document has been obtained by the
9 above signatory indicated on the conformed signature (/s/) within this efiled document.

10 s/ Joseph N. Kravec, Jr.

11 PURSUANT TO STIPULATION, IT IS SO ORDERED.

12 DATED: 10/3, 2012

13 
14 _____
15 The Honorable Susan Illston
16 United States District Judge
17
18
19
20
21
22
23
24
25
26
27
28