

1 Lara T. Kollios (State Bar No. 235395)  
lkollios@jonesday.com  
2 JONES DAY  
555 California Street, 26th Floor  
3 San Francisco, CA 94105  
Telephone: (415) 626-3939  
4 Facsimile: (415) 875-5700

Benjamin M. Lopatin (State Bar No. 281730)  
THE LAW OFFICES OF  
HOWARD W. RUBINSTEIN, P.A.  
One Embarcadero Center, Suite 500  
San Francisco, CA 94111  
Telephone: (800) 436-6437  
Facsimile: (415) 692-6607

5 Hugh R. Whiting (admission *pro hac vice*)  
hrwhiting@jonesday.com  
6 Kevin D. Boyce (admission *pro hac vice*)  
kdboyce@jonesday.com  
7 JONES DAY  
North Point  
8 901 Lakeside Avenue  
Cleveland, OH 44114  
9 Telephone: (216) 586-3939  
Facsimile: (216) 579-0212

Attorneys for Plaintiff  
CHERISH M. SMITH

10 Attorneys for Defendant  
11 THE PROCTER & GAMBLE CO.

12  
13 UNITED STATES DISTRICT COURT  
14 NORTHERN DISTRICT OF CALIFORNIA

15  
16 CHERISH M. SMITH, as an individual, and  
on behalf of all other similarly situated,

17 Plaintiff,

18 v.

19 THE PROCTER & GAMBLE CO., a Ohio  
20 corporation doing business as CREST,

21 Defendant.

**Case No. 3:12-cv-00557-EDL**

**JOINT STIPULATION AND  
~~PROPOSED~~ ORDER POSTPONING  
CASE MANAGEMENT  
CONFERENCE**

22  
23 Pursuant to Civil Local Rule 6-1(b), all parties to this action, through their duly authorized  
24 undersigned counsel, stipulate and request as follows:

25 WHEREAS, pursuant to Plaintiff Cherish M. Smith (“Plaintiff”) and Defendant The  
26 Procter & Gamble Company’s (“Defendant”) joint stipulation, the Court scheduled a case  
27 management conference for January 15, 2013, at 10:00 a.m. and ordered the parties to file a joint  
28

JOINT STIPULATION AND [PROPOSED]  
ORDER POSTPONING CASE  
MANAGEMENT CONFERENCE

Case No. 3:12-CV-00557-EDL

1 case management statement no later than January 8, 2013 (Doc. 37);

2 WHEREAS, currently, there are five separate lawsuits (including the above-captioned  
3 matter) now pending in five different courts, all asserting similar claims based on allegations  
4 about marketing Crest Sensitivity Treatment & Protection toothpaste—the other four cases are:

- 5 • *Rossi v. The Procter & Gamble Company*, D.N.J., Case No. 2:11-cv-07238-JLL-MAH;
- 6 • *Gilbert v. The Procter & Gamble Company*, S.D. Ohio, Case No. 1:12-cv-00040-TSB;
- 7 • *Immerman v. The Procter & Gamble Company, et al.*, Case No. 12-cv-779534 (Cuyahoga  
8 Cty. C.P.); and
- 9 • *Alvandi v. The Procter & Gamble Distributing, LLC*, Case No. BC486938 (Cal. Super.);

10 WHEREAS, settlement discussions are currently taking place to resolve all five cases;

11 WHEREAS, based on these settlement discussions, Plaintiff Cherish M. Smith  
12 (“Plaintiff”) and Defendant The Procter & Gamble Company (“Defendant”) have previously  
13 stipulated to extend Defendant’s time to answer, move, or respond to Plaintiff’s Amended  
14 Complaint to February 1, 2013 (Doc. 38);

15 WHEREAS, other previous time modifications in this case include a Stipulation  
16 Extending Defendant’s Time to Answer, Move, or Respond to Complaint to March 29, 2012  
17 (Doc. 11), dated February 28, 2012; a Joint Stipulation and Order for Stay (Doc. 25), dated April  
18 10, 2012; a Stipulation Extending Defendant’s Time to Answer, Move, or Respond to Amended  
19 Complaint to December 1, 2012 (Doc. 35), dated November 5, 2012; and a Joint Stipulation and  
20 Order Postponing Case Management Conference to January 15, 2013 (Doc. 37), dated November  
21 19, 2012;

22 WHEREAS, the requested postponement of the case management conference will not  
23 otherwise affect the schedule for the case.

24 IT IS HEREBY STIPULATED by and between the parties, through their respective  
25 counsel, that the case management conference scheduled on January 15, 2013, be postponed to  
26 February 26, 2013, and that a joint case management statement shall be filed no later than  
27 February 19, 2013.

28 **IT IS SO STIPULATED.**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Dated: January 3, 2013

/s/ Benjamin M. Lopatin  
Benjamin M. Lopatin (State Bar No. 281730)  
LAW OFFICES OF HOWARD W.  
RUBINSTEIN, P.A.  
One Embarcadero Center, Suite 500  
San Francisco, CA 94111  
Telephone (888) 560-4480, ext. 2  
Facsimile (415) 692-6607

*Attorney for Plaintiff Cherish M. Smith*

Dated: January 3, 2013

/s/ Kevin D. Boyce  
Lara T. Kollios (State Bar No. 235395)  
lkollios@jonesday.com  
JONES DAY  
555 California Street, 26th Floor  
San Francisco, CA 94105  
Telephone: (415) 626-3939  
Facsimile: (415) 875-5700

Hugh R. Whiting (admission *pro hac vice*)  
hrwhiting@jonesday.com  
Kevin D. Boyce (admission *pro hac vice*)  
kdboyce@jonesday.com  
JONES DAY  
North Point  
901 Lakeside Avenue  
Cleveland, OH 44114  
Telephone: (216) 586-3939  
Facsimile: (216) 579-0212

*Attorneys for Defendant  
The Procter & Gamble Company*

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated: January 4, 2013

  
Magistrate Judge Elizabeth D. Laporte

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Dated: January 3, 2013

Respectfully submitted,

Jones Day

By: /s/ Kevin D. Boyce  
Kevin D. Boyce

Counsel for Defendant

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1(i)(3)**

I, Kevin D. Boyce, attest that I obtained the concurrence of Benjamin M. Lopatin in the filing of this document. I declare under penalty of perjury under the laws of the United States that the forgoing is true and correct. Executed this 3rd day of January, 2013, in Cleveland, Ohio.

Dated: January 3, 2013

JONES DAY,

By: /s/ Kevin D. Boyce  
Kevin D. Boyce

Attorneys for Defendant  
THE PROCTER & GAMBLE CO.