

1 ROBERT L. ESENSTEN, ESQ. (Bar No. 65728)
resensten@wccelaw.com

2 GREGORY B. SCARLETT (Bar No. 131486)
gscarlett@wccelaw.com

3 **WASSERMAN, COMDEN, CASSELMAN & ESENSTEN, L.L.P.**
4 5567 Reseda Boulevard, Suite 330
Post Office Box 7033
Tarzana, California 91357-7033
5 Telephone: (818) 705-6800 • (323) 872-0995
Facsimile: (818) 705-8927

6 Attorneys for Plaintiff, Stephen J. Rush,
7 individually and on behalf of all others
similarly situated

8
9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**

11
12 STEPHEN J. RUSH, individually, and
on behalf of all others similarly situated,

13 Plaintiffs,

14 vs.

15 NUTREX RESEARCH, INC.;
16 JEFFREY A. MCCARRELL; JENS O.
INGENOHL; and DOES 1-50,
17 inclusive,

18 Defendants.

CASE NO. 2:12-cv-1060 LB

CLASS ACTION

**STIPULATION TO CONTINUE
FURTHER CASE MANAGEMENT
CONFERENCE AND [PROPOSED]
ORDER**

The Honorable Laurel Beeler

Current Case Management Conf. Date

Date: November 29, 2012

Time: 10:30 a.m.

Crtrm.: C-15th Floor

Proposed Case Management Conf. Date

Date: January 31, 2012

Time: 10:30 a.m.

Place: C-15th Floor

WASSERMAN, COMDEN, CASSELMAN & ESENSTEN, L.L.P.
5567 RESEDA BOULEVARD, SUITE 330
POST OFFICE BOX 7033
TARZANA, CALIFORNIA 91357-7033

1 Pursuant to the Court’s July 12, 2012 Civil Minute Order (Dkt. #32), Plaintiff
2 Stephen J. Rush (“Plaintiff”) and defendants Nutrex Research, Inc. (“Nutrex”) and
3 Jens O. Ingenohl (collectively “Defendants”) (hereinafter collectively referred to as
4 the “Parties”) hereby submit the following Stipulation to Continue Further Case
5 Management Conference.

6
7 1. WHEREAS, on or about October 19, 2012, Defendants served Plaintiff
8 with discovery, including Interrogatories and Requests for Production of
9 Documents;

10
11 2. WHEREAS, on or about October 22, 2012, Plaintiff served Defendants
12 with discovery, including Interrogatories and Requests for Production of
13 Documents;

14
15 3. WHEREAS, both Parties’ discovery responses were originally due on
16 November 26, 2012; however, the Parties’ have provided each other with mutual
17 two-week extensions to serve their respective discovery responses, up to and
18 including December 3, 2012;

19
20 4. WHEREAS, on or about November 16, 2012, the Parties agreed to
21 mediation before Retired Judge Jerry Spolter of JAMS with the mutual belief and
22 anticipation that mediation will hopefully result in a settlement and resolution of this
23 Action. The mediation is scheduled to take place on January 14, 2013;

24
25 5. WHEREAS, the Court previously set a November 29, 2012 deadline to
26 complete mediation in this case. However, due to the need to complete certain
27 discovery prior to holding the mediation and due to potential conflicts in scheduling
28 and cross-country travel, the earliest available mediation date that is mutually

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1 workable for the Parties is in January 2013;

2
3 6. WHEREAS, the Parties seek to continue the Further Case Management
4 Conference in order to allow the Parties to fully exhaust private settlement
5 procedures before the Further Case Management Conference and eliminate the need
6 for the conference altogether, if the parties reach a settlement of the case;

7
8 7. WHEREAS, good cause exists to continue the Further Case
9 Management Conference in the interest of judicial economy and in order to
10 minimize costs and legal fees while providing the Parties with adequate time to
11 complete certain discovery and mediation;

12
13 8. WHEREAS, no prior requests to continue the deadline for the Further
14 Case Management Conference have been made;

15
16 9. WHEREAS, no other court-imposed dates will be affected by the
17 continuance other than the date for filing a Joint Further Case Management
18 Conference Statement;

19
20 NOW, THEREFORE, the Parties, through their respective counsel of record,
21 hereby stipulate as follows:

22
23 ■ The Further Case Management Conference shall be continued until
24 January 31, 2013 at 10:30 a.m. or the Court’s first available date
25 thereafter.

26
27 ■ A Joint Further Case Management Conference Statement shall be due
28 on January 28, 2013.

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1 **IT IS SO STIPULATED.**

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DATED: November 26, 2012

**WASSERMAN, COMDEN,
CASSELMAN & ESENSTEN, L.L.P.**
GREGORY B. SCARLETT

By: /s/ Gregory B. Scarlett
GREGORY B. SCARLETT
Attorneys for Plaintiff, Stephen J. Rush,
individually and on behalf of all others
similarly situated

DATED: November 26, 2012

REED SMITH LLP
ROBERT D. PHILLIPS, JR.
KATHY J. HUANG

By: /s/ Kathy J. Huang
KATHY J. HUANG
Attorneys for Defendants Nutrex Research, Inc.
and Jens O. Ingenohl

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CASE NO. 2:12-cv-1060 LB

CLASS ACTION

**~~[PROPOSED]~~ ORDER
CONTINUING NOVEMBER 29,
2012 FURTHER CASE
MANAGEMENT CONFERENCE**

19
20 After consideration of the Stipulation submitted by the parties in the above-
21 entitled action to continue the Further Case Management Conference currently
22 scheduled for November 29, 2012, at 10:30 a.m., and good cause appearing therefor,
23 the Court orders as follows:

24
25 1. The Further Case Management Conference shall be continued until
26 January 31, 2013 at 10:30 a.m.; and

27
28 2. A Joint Further Case Management Conference Statement shall be due

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on ~~January 28, 2013.~~ January 24, 2013.

IT IS SO ORDERED.

DATED: November 27, . 2012



Honorable Laurel Beeler
United States Magistrate Judge