

1 DARYL S. LANDY, State Bar No. 136288  
2 MORGAN, LEWIS & BOCKIUS LLP  
3 One Market, Spear Street Tower  
4 San Francisco, CA 94105-1126  
5 Tel: 415.442.1000  
6 Fax: 415.442.1001  
7 Email: dlandy@morganlewis.com

8 MICHAEL J. PUMA (admitted *pro hac vice*)  
9 CHRISTOPHER D. HAVENER (admitted *pro hac vice*)  
10 MORGAN, LEWIS & BOCKIUS LLP  
11 1701 Market Street  
12 Philadelphia, PA 19103  
13 Tel: 215.963.5000  
14 Fax: 215.963.5001  
15 Email: mpuma@morganlewis.com  
16 chavener@morganlewis.com

17 *Attorneys for Defendant*  
18 *THE HERSHEY COMPANY*

19 **UNITED STATES DISTRICT COURT**  
20 **NORTHERN DISTRICT OF CALIFORNIA**  
21 **SAN FRANCISCO DIVISION**

22 GREGORY P. BARNES, et al.,  
23  
24 Plaintiffs,  
25 vs.  
26 THE HERSHEY COMPANY,  
27  
28 Defendant.

Case No. 12-cv-01334-CRB

**STIPULATION AND  
ORDER REVISING BRIEFING  
SCHEDULE REGARDING DEFENDANT'S  
MOTION FOR PARTIAL SUMMARY  
JUDGMENT AND CONTINUING  
OCTOBER 10, 2014 HEARING DATE TO  
OCTOBER 17, 2014**

Defendant The Hershey Company (“Hershey”) and Plaintiffs, by and through their respective counsel, jointly request an order revising the parties’ briefing schedule in connection with Hershey’s Motion for Partial Summary Judgment, pursuant to Civil Local Rules 6-2 and 7-12 of the Northern District of California, as follows:

1           WHEREAS on August 12, 2014, Hershey filed a Motion for Partial Summary Judgment  
2 (the “Motion”) and supporting papers for the Motion (ECF 150-157). Hershey noticed the  
3 Motion for hearing for September 26, 2014;

4           WHEREAS, pursuant to Local Rule 7-3(a) and (c), the default briefing schedule for the  
5 Motion was as follows: Plaintiffs were to file their Opposition to the Motion no later than August  
6 26, 2014; Hershey was to file its Reply to Plaintiff’s Opposition to the Motion no later than  
7 September 2, 2014;

8           WHEREAS the Court set a new hearing date of October 10, 2014 for the Motion on  
9 August 18, 2014;

10           WHEREAS counsel for Plaintiffs is unavailable on October 10, 2014 due to prior  
11 obligations, but will be available on October 17, 2014, which is the Honorable Charles R.  
12 Breyer’s next Civil Law & Motion date;

13           WHEREAS Hershey has no objection to continuing the October 10, 2014 hearing to  
14 October 17, 2014 at a time of the Court’s choosing;

15           WHEREAS, having met and conferred, the parties also agree that the default briefing  
16 schedule for the Motion should be revised in light of counsel’s schedules and because the  
17 modification will not prejudice the Court since the Motion will be fully briefed well in advance of  
18 the new hearing date and will provide the Court more time to prepare for the hearing than under  
19 the default briefing schedule and originally scheduled hearing date;

20           WHEREAS the parties previously submitted three stipulated requests to revise briefing  
21 schedules or otherwise modify deadlines to submit pleadings. The first stipulation was in  
22 connection with Hershey’s Motion to Transfer Venue (ECF 10), which was granted by the Court.  
23 ECF 22-23. The second stipulation related to Plaintiff’s Motion to Compel (ECF 57), which was  
24 also granted by the Court. ECF 60-61. The parties also requested a six-day extension to submit a  
25 joint report on discovery disputes to the court, (ECF 134), which the court granted in part,  
26 providing an additional five days to submit the report, (ECF 135);

27           WHEREAS the parties also requested that a hearing regarding a joint discovery dispute  
28

1 letter be postponed one week because of a prior commitment by Hershey, (ECF 127); a request  
2 that the court granted, (ECF 129);

3 WHEREAS the parties do not seek this revision for the purpose of delay. The limited  
4 modification to the briefing schedule will not have an effect on any other pre-trial and trial dates.

5 IT IS HEREBY STIPULATED pursuant to Local Rule 6-2 by and between the parties  
6 hereto, through their respective attorneys of record, that Plaintiffs' Opposition to the Motion is  
7 due on or before September 3, 2014 and Hershey's Reply is due on or before September 16, 2014;  
8 and the hearing date on the Motion be continued to October 17, 2014, at a time of the Court's  
9 choosing.

10 Pursuant to L.R. 5-1(i)(3) regarding signatures, I, Christopher D. Havener, attest that  
11 concurrence in the filing of this document has been obtained from each of the other signatories. I  
12 declare under penalty of perjury under the laws of the United States of America that the foregoing  
13 is true and correct. Executed this 19th day of August, 2014.

14 /s/ Christopher D. Havener

15 Christopher D. Havener

16 Dated: August 19, 2014

MORGAN, LEWIS & BOCKIUS LLP

18 By: /s/ Christopher D. Havener

19 Christopher D. Havener

20 Attorneys for Defendant

THE HERSHEY COMPANY

21 Dated: August 19, 2014

THE BRANDI LAW FIRM

23 By: /s/ Brian J. Malloy

24 Brian J. Malloy

Attorneys for Plaintiffs

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

ORDER

Pursuant to the parties' Stipulation and for good cause showing, Plaintiffs' Opposition to Hershey's Motion for Partial Summary Judgment shall be due on or before September 3, 2014, Hershey's Reply in support of its Motion shall be due on or before September 16, 2014, and the Court will continue the hearing date on the Motion, and set a new hearing for October 17, 2014 at

