

United States District Court  
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

GREGORY P. BARNES, ET AL.,  
Plaintiffs,  
v.  
THE HERSHEY COMPANY,  
Defendant.

No. 3:12-cv-01334-CRB

**ORDER GRANTING PLAINTIFFS’  
REQUEST TO FILE A SURREPLY BY  
DECEMBER 9, 2015**

Plaintiffs have objected to declarations that Defendant filed in connection with its reply in support of Defendant’s summary judgment motions. See Objections (dkt. 321). Plaintiffs argue that they should be given a chance to respond to any new evidence introduced. See Provenz v. Miller, 102 F.3d 1478, 1483 (9th Cir. 1996); Miller v. Glenn Miller Productions, Inc., 454 F.3d 975, 979 n.1 (9th Cir. 2006). For good cause shown, the Court ORDERS that Plaintiffs submit a surreply that is (1) confined in scope to any new evidence submitted by Defendant, (2) no longer than 10 pages in length, and (3) filed no later than Wednesday, December 9, 2015. The Court further orders that the December 11, 2015 hearing on the summary judgment motions be VACATED and reset for December 18, 2015.

**IT SO ORDERED.**

Dated: December 2, 2015

CHARLES R. BREYER  
UNITED STATES DISTRICT JUDGE