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8 *Attorney for Defendant*  
 9 *Frito-Lay North America, Inc.*

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 11 IN THE UNITED STATES DISTRICT COURT  
 12 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 13 SAN FRANCISCO DIVISION

14 MARKUS WILSON and DOUG  
 15 CAMPEN, individually and on behalf of all  
 16 others similarly situated,

17 Plaintiffs,

18 v.

19 FRITO-LAY NORTH AMERICA, INC.,

20 Defendant.

Case No. 3:12-cv-01586-SC

**STIPULATION AND ~~PROPOSED~~  
 ORDER REGARDING RELIEF FROM  
 CURRENT SCHEDULE AND  
 EXTENSION OF TIME FOR  
 DEADLINES IN SCHEDULE**

Judge: Hon. Samuel Conti  
 Action Filed: March 29, 2012

21 **STIPULATION AND ~~PROPOSED~~ ORDER REGARDING CASE SCHEDULE**

22 The parties, through their undersigned counsel, hereby stipulate and agree as follows:

23 WHEREAS, on March 13, 2015, Plaintiffs filed a Motion for Class Certification, for  
 24 Appointment of Class Representatives, and for Appointment of Class Counsel (“Motion for Class  
 25 Certification”) (Dkt. No. 118-3);

26 WHEREAS, on April 9, 2015, this Court entered a Stipulation and Order Extending the  
 27 Deadline to Depose Experts, setting the deadline for Frito-Lay to depose Plaintiffs’ experts as  
 28 May 22, 2015 (Dkt. No. 130);

WHEREAS, on April 24, 2015, Plaintiffs filed a Motion to Stay Pending the Ninth  
 Circuit’s Resolution of *Jones v. ConAgra Foods, Inc.* (“Motion to Stay”) (Dkt. No. 136);

STIPULATION AND [PROPOSED] ORDER REGARDING EXTENSION OF TIME FOR DEADLINES  
 IN SCHEDULE  
 Case No. CV12-01586 - SC

1 WHEREAS, Plaintiffs declined to make their experts available for deposition until the  
2 Court rules on the Motion to Stay; and

3 WHEREAS Frito-Lay would be prejudiced by being required to respond to Plaintiffs’  
4 Motion for Class Certification without deposing Plaintiffs’ experts;

5 The parties hereby STIPULATE and AGREE, subject to the Court’s approval, that the  
6 current deadlines regarding expert depositions and briefing on Plaintiffs’ Class Certification  
7 Motion be extended, and that, if the Court does not grant Plaintiffs’ Motion to Stay with respect  
8 to the class certification briefing, the parties will be bound by the following schedule:

9 Deposition of Plaintiffs’ Class Certification 10 Expert(s) (if any) by	45 days after ruling on the Motion to Stay
11 Date for Frito-Lay’s Class Certification 12 Expert(s) Disclosure(s), Including Reports 13 (if any)	21 days after deadline to depose Plaintiffs’ Class Certification Expert(s)
14 Date for Frito-Lay’s Opposition to Plaintiffs’ 15 Class Certification Motion	21 days after deadline to depose Plaintiffs’ Class Certification Expert(s)
16 Deposition of Frito-Lay’s Class Certification 17 Expert(s) (if any) by	21 days after deadline to file Frito-Lay’s Opposition to Plaintiffs’ Motion for Class Certification
18 Date for Plaintiffs’ Reply in Support of Class 19 Certification	21 days after deadline to depose Frito-Lay’s Class Certification Expert(s)
20 Class Certification Hearing	<del>To be determined</del> November 13, 2015

at 10:00 AM

21 IT IS SO STIPULATED.

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Dated: May 28, 2015

Dated: May 28, 2015

/s/ David McMullan, Jr.  
David McMullan, Jr. (*pro hac vice*)  
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*Attorney for Defendant  
Frito-Lay North America, Inc.*

In accordance with N.D. Cal. Local Rule 5-1, Andrew S. Tulumello attests that David McMullan, Jr. has consented to the filing of this document.

/s/ Andrew S. Tulumello

**IT IS SO ORDERED**, this the 18 day of June 2015.

  
Hon. Samuel Conti  
United States District Judge  
Northern District of California