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

9 UNITED STATES DISTRICT COURT  
 10 NORTHERN DISTRICT OF CALIFORNIA  
 11 SAN FRANCISCO DIVISION

12 MARKUS WILSON and DOUG  
 13 CAMPEN, individually and on behalf of all  
 14 others similarly situated,

15 Plaintiffs,

16 v.

17 FRITO-LAY NORTH AMERICA, INC.,

18 Defendant.

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

**STIPULATION EXTENDING TIME TO  
 RESPOND TO THE SECOND AMENDED  
 COMPLAINT; STIPULATION AND  
 [PROPOSED] ORDER CONCERNING  
 DISCOVERY AND TO CONTINUE THE  
 CASE MANAGEMENT CONFERENCE**

19 WHEREAS, on May 1, 2013, Plaintiffs filed their Second Amended Complaint;

20 WHEREAS, on June 7, 2013, Defendant filed a Motion to Dismiss the Second Amended  
 21 Complaint;

22 WHEREAS, on October 24, 2013, this Court granted in part and denied in part Defendant's  
 23 Motion to Dismiss;

24 WHEREAS, absent an extension, Defendant's deadline to answer the Second Amended  
 25 Complaint is currently November 7, 2013;

26 WHEREAS, Plaintiffs and Defendant agree that the time for Defendant to answer the Second  
 27 Amended Complaint shall be extended twenty-nine (29) days to and including December 6, 2013,  
 28

1 pursuant to Local Rule 6-1(a), which permits parties to enter into written stipulations extending the  
2 time in which Defendant must answer a complaint without Court approval;

3 WHEREAS, Plaintiffs request to serve discovery after Defendant answers the Second  
4 Amended Complaint, and Defendant does not oppose this request, provided that Defendant's  
5 responses shall not be due until January 30, 2014 (assuming that Plaintiffs serve their requests before  
6 December 31, 2013);

7 WHEREAS, this Court related the above-captioned matter to *Figy v. Frito-Lay North*  
8 *America, Inc.*, No. 13-CV-3988 ("*Figy*"), on October 15, 2013;

9 WHEREAS, counsel for the parties have conferred and the parties agree that it would  
10 preserve judicial and party resources to continue the Case Management Conference in the above-  
11 captioned matter, currently scheduled for November 15, 2013, until January 24, 2014, to coincide  
12 with the Case Management Conference scheduled for that day in *Figy*;

13 IT IS HEREBY STIPULATED AND AGREED that Defendant shall have up to and including  
14 December 6, 2013, to answer the Second Amended Complaint. Nothing in this Stipulation shall be  
15 construed as a waiver of any of Plaintiffs' or Defendant's rights, defenses, or arguments they would  
16 otherwise have; and

17 IT IS ALSO HEREBY STIPULATED AND AGREED, subject to the Court's approval, that:

- 18 • The parties may serve discovery immediately after Defendant answers the Second  
19 Amended Complaint;
- 20 • The parties' responses to any discovery requests served prior to December 31, 2013  
21 shall not be due until January 30, 2014;
- 22 • The Case Management Conference scheduled in the above-captioned matter for  
23 November 15, 2013, is continued until January 24, 2014; and
- 24 • The parties will submit a joint case management statement in the above-captioned  
25 matter on or before January 17, 2014.

26 In accordance with N.D. Cal. Local Rule 5-1, the filer of this document hereby attests that the  
27 concurrence to the filing of this document has been obtained from the other signatories hereto.

1 Dated: November 6, 2013

Gibson, Dunn & Crutcher LLP

2  
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*Attorneys for Defendant Frito-Lay North America, Inc.*

9 Dated: November 6, 2013

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*Attorneys for Plaintiffs Markus Wilson and Doug Campen*

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

24 Date: 11/07/2013

Hon. Samuel Conti

