

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

Ben F. Pierce Gore (SBN 128515)
PRATT & ASSOCIATES
1871 The Alameda, Suite 425
San Jose, CA 95126
Telephone: (408) 369-0800
Fax: (408) 369-0752
pgore@prattattorneys.com

David W. Shelton (*pro hac vice*)
ATTORNEY AT LAW
1223 Jackson Avenue East, Suite 202
P.O. Box 2541
Oxford, MS 38655
Telephone: (662) 281-1212
david@davidsheltonpllc.com

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

LEVI JONES and CHRISTINE STURGES,
individually and on behalf of all others similarly
situated,

Plaintiffs,

v.

CONAGRA FOODS, INC.,

Defendant.

Case No. 12-cv-1633-CRB

**STIPULATION AND [REDACTED]
ORDER SETTING NEW BRIEFING
SCHEDULE AND HEARING DATE**

The Hon. Charles R. Breyer

1 Plaintiffs and Defendant ConAgra Foods, Inc. (“ConAgra”), by and through their
2 respective counsel of record, enter into the following stipulation, based upon the recitals below:

3 1. On August 7, 2013, Plaintiff filed a Motion for Class Certification (Dkt. No. 128).
4 On October 9, 2013, Defendant filed its Response to Plaintiff’s Motion, along with various
5 declarations, exhibits, and an Administrative Motion to File Under Seal (Dkt. No. 148-153). The
6 Motion for Class Certification was previously set for hearing on November 15, 2013. The Court
7 reset the hearing for November 22, 2013 at 10:00 a.m. (*See* docket entry on October 7, 2013.)

8 2. Counsel for ConAgra is unavailable on November 22, 2013 and has requested a
9 new hearing date.

10 3. Counsel for Plaintiff requests additional time to file the Reply Brief in Support of
11 the Motion for Class Certification based on the volume of Defendant’s declarations and exhibits.

12 4. Counsel for the parties have conferred and agreed, subject to Court approval, to the
13 following:

- 14 a. The briefing schedule will be modified so that Plaintiff’s Reply Briefs in
15 Support of the Motion for Class Certification and Motion to Sever, and
16 Defendant’s Reply Briefs in Support of the Motion to Strike and Motion for
17 Attorneys’ Fees will be due on November 8, 2013; and
18 b. The hearing on all pending motions, including Plaintiffs’ Motion for Class
19 Certification and Motion to Sever, and Defendant’s Motion to Strike and
20 Motion for Attorneys’ Fees, be continued to December 13, 2013.

21 **IT IS SO STIPULATED.**

22 Dated: October 22, 2013

HOGAN LOVELLS US LLP

23 By: /s/ Robert B. Hawk
24 Robert B. Hawk
25 Attorney for Defendant
26 CONAGRA FOODS, INC.

27 Dated: October 22, 2013

28 By: /s/ David Shelton
David Shelton
Attorney 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

SIGNATURE ATTESTATION

I, David Shelton, attest that Robert Hawk, counsel for Defendant, has approved the Stipulation And [Proposed] Order Setting New Briefing Schedule and Hearing Date and consents to its filing in this action.

By: /s/ David Shelton
David Shelton

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 STIPULATION, and good cause appearing, the Court orders that Plaintiff’s Reply Briefs in Support of Motion for Class Certification and Motion to Sever, and Defendant’s Reply Briefs in Support of the Motion to Strike and Motion for Attorneys’ Fees are due November 8, 2013. The Court further orders that the hearing on all pending motions, including Plaintiffs’ Motion for Class Certification and Motion to Sever, and Defendant’s Motion to Strike and Motion for Attorneys’ Fees, shall be on December 13, 2013 at 10:00 a.m.

IT IS SO ORDERED.

Dated: October 23, 2013

