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Attorneys for Plaintiff

11 Attorneys for Defendants
 12 THE GILLETTE COMPANY AND THE
 PROCTER & GAMBLE COMPANY

13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA
 15 SAN FRANCISCO DIVISION

17 **HELEN HEINDEL, Individually and on**
 18 **Behalf of All Others Similarly Situated,**

19 **Plaintiff,**

20 **v.**

21 **THE GILLETTE COMPANY and THE**
 22 **PROCTER & GAMBLE COMPANY,**

23 **Defendants.**

Case No. 12-cv-01778 EDL

JOINT STIPULATION AND
~~**PROPOSED**~~ **ORDER FOR STAY**
PENDING FINAL APPROVAL OF
SETTLEMENT AGREEMENT

CIV. L.R. 6-1 & 6-2

1 Pursuant to Civil Local Rule 6-1(b) and 6-2, Plaintiff Helen Heindel, and Defendants The
2 Gillette Company and The Procter & Gamble Company (collectively, the “Parties”), by and
3 through their respective undersigned counsel of record, stipulate and request as follows:

4 1. On April 19, 2012, a similar action was filed in Florida, which case currently is
5 pending in the United States District Court for the Middle District of Florida and titled *Poertner*
6 *v. The Gillette Company, et al.*, Case No. 6:12-CV-00803-GAP-DAB (M.D. Fla.) (the “*Poertner*
7 *Action*”). The *Poertner Action* raises essentially identical claims and allegations concerning
8 Duracell brand AA & AAA Ultra Advanced and Ultra Power batteries.

9 2. In September 2013, the parties in this action and in the *Poertner Action* entered
10 into a nationwide class action settlement agreement to resolve both actions through a nationwide
11 settlement of all claims to be submitted for approval in the Middle District of Florida in the
12 *Poertner Action*. As a term of the settlement, the parties agreed to stay this action until the
13 nationwide class action settlement becomes effective following the final fairness hearing, at
14 which point this action would be dismissed with prejudice.

15 3. A motion for preliminary approval of the nationwide class action settlement was
16 filed in the *Poertner Action* on October 25, 2013.

17 4. On November 5, 2013, the Middle District of Florida issued an order granting
18 preliminary approval of the nationwide class action settlement in the *Poertner Action*.

19 5. The Middle District of Florida has set a schedule for notice and approval of the
20 nationwide class action settlement in the *Poertner Action*, including setting a final approval
21 hearing for March 21, 2014.

22 IT IS HEREBY STIPULATED by and between the parties, through their respective
23 counsel, that the present action be stayed in its entirety pending the final approval of the
24 nationwide class action settlement agreement in the *Poertner Action*. It is further stipulated and
25 agreed that as of the Effective Date of the settlement, following Order and Final Judgment by the
26 Middle District of Florida in the *Poertner Action* and the exhaustion of any appeals in that action,
27 as defined in the Settlement Agreement, Defendants are authorized to notify this Court of the
28 final approval, at which point the parties agree that this case should be dismissed with prejudice.

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IT IS SO STIPULATED.

Dated: November 26, 2013

Respectfully submitted,

Jones Day

By: /s/ Darren K. Cottriel
Darren K. Cottriel

Counsel for Defendants
THE GILLETTE COMPANY AND THE
PROCTER & GAMBLE COMPANY

Dated: November 26, 2013

Respectfully submitted,

Schubert Jonckheer & Kolbe LLP

By: /s/ Noah M. Schubert
Noah M. Schubert

Counsel for Plaintiff

SIGNATURE ATTESTATION

I hereby attest that the concurrence in the filing of the document has been obtained from the other signatory.

Dated: November 26, 2013

JONES DAY

By: /s/ Darren K. Cottriel
Darren K. Cottriel

Counsel for Defendants
THE GILLETTE COMPANY AND THE
PROCTER & GAMBLE COMPANY

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[PROPOSED] ORDER

The Court, having considered the above stipulation of the parties, and good case appearing therefore, HEREBY ORDERS THAT this action is stayed in its entirety pending final approval of the nationwide class action settlement in the related case, *Poertner v. The Gillette Company, et al.*, Case No. 6:12-CV-00803-GAP-DAB (M.D. Fla.) (the “*Poertner* Action”). All existing dates and deadlines scheduled in this action are vacated. Upon the Effective Date of the settlement, following Order and Final Judgment by the Middle District of Florida in the *Poertner* Action and the exhaustion of any appeals in that action, Defendants shall notify this Court of same, at which time the present action will be dismissed with prejudice.

IT IS SO ORDERED.

Dated: December 2, 2013


Hon. Elizabeth D. Laporte
United States Magistrate Judge

Stipulations

[3:12-cv-01778-EDL Heindel v.
The Gillette Company et al](#)

ADRMOP, CONSENT, E-
Filing, PROTO, PRVADR

U.S. District Court

California Northern District

Notice of Electronic Filing

The following transaction was entered by Cottriel, Darren on 11/26/2013 at 9:30 AM PST and filed on 11/26/2013

Case Name: Heindel v. The Gillette Company et al

Case Number: [3:12-cv-01778-EDL](#)

Filer: James Collins
Duracell, Inc.
Helen Heindel
The Gillette Company
The Procter & Gamble Company

Document Number: [52](#)

Docket Text:

STIPULATION WITH PROPOSED ORDER JOINT STIPULATION AND [PROPOSED] ORDER FOR STAY PENDING FINAL APPROVAL OF SETTLEMENT AGREEMENT filed by James Collins, Duracell, Inc., Helen Heindel, The Gillette Company, The Procter & Gamble Company. (Cottriel, Darren) (Filed on 11/26/2013)

3:12-cv-01778-EDL Notice has been electronically mailed to:

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3:12-cv-01778-EDL Please see [Local Rule 5-5](#); Notice has NOT been electronically mailed to:

The following document(s) are associated with this transaction:

Document description:Main Document

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Electronic document Stamp:

[STAMP CANDStamp_ID=977336130 [Date=11/26/2013] [FileNumber=10189936-0
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