

1 Elizabeth L. Deeley (SBN 230790)
 2 elizabeth.deeley@kirkland.com
 3 KIRKLAND & ELLIS LLP
 4 555 California Street
 5 San Francisco, California 94104
 6 Telephone: (415) 439-1400
 7 Facsimile: (415) 439-1500

8 Gregg F. LoCascio, P.C. (admitted *pro hac vice*)
 9 glocascio@kirkland.com
 10 Jonathan D. Brightbill (admitted *pro hac vice*)
 11 jbrightbill@kirkland.com
 12 Dennis J. Abdelnour (admitted *pro hac vice*)
 13 dabelnour@kirkland.com
 14 KIRKLAND & ELLIS LLP
 15 655 Fifteenth Street, N.W.
 16 Washington, D.C. 20005
 17 Telephone: (202) 879-5000
 18 Facsimile: (202) 879-5200

19 *Attorneys for Defendant*
 20 *ZONEPERFECT NUTRITION COMPANY*

21 **UNITED STATES DISTRICT COURT**
 22 **NORTHERN DISTRICT OF CALIFORNIA**
 23 **SAN FRANCISCO DIVISION**

24 KIMBERLY S. SETHAVANISH,)	CASE NO. 12-CV-02907-SC
)	
25 Plaintiff,)	STIPULATION AND PROPOSED
)	ORDER FOR THE FILING OF AN
26 vs.)	AMENDED ANSWER
)	
27 ZONEPERFECT NUTRITION COMPANY,)	
)	
28 Defendant.)	
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29 WHEREAS, on January 24, 2013, the Defendant submitted an Answer to the Plaintiff's
 30 Complaint in this case (Dkt. No. 45);
 31 WHEREAS, on February 14, 2013, the Plaintiff moved to strike certain of the affirmative
 32 defenses included in the Defendant's Answer (Dkt. No. 52); and
 33 WHEREAS, instead of briefing and a possible hearing on the pending motion, without

1 waiver of its rights, Defendant is willing to submit an Amended Answer pleading additional matter
2 in conjunction with its affirmative defenses; and

3 WHEREAS, the Parties agree that this might more effectively and efficiently resolve the
4 Plaintiff's concerns or at least narrow the issues that require Court intervention and therefore would
5 better conserve the limited judicial resources of the Court.

6 IT IS HEREBY STIPULATED AND AGREED that, in accordance with Fed. R. Civ. P.
7 15(a)(2), the Defendant shall have until March 11, 2013 to file an Amended Answer to Plaintiff's
8 Complaint. Plaintiff shall reserve the right until April 5, 2013 to file a Motion to Strike Defendant's
9 Amended Answer and Affirmative Defenses if Plaintiff deems necessary or appropriate to do so.
10 Defendant further reserves the right to oppose Plaintiff's motion to strike, if one is filed, on any and
11 all grounds currently available.

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13 IT IS SO STIPULATED.

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16 KIRKLAND & ELLIS LLP

17 DATED: February 22, 2013

By: /s/ Jonathan D. Brightbill

18 Jonathan D. Brightbill¹ (admitted *pro hac vice*)
19 Gregg F. LoCascio, P.C. (admitted *pro hac vice*)
20 Elizabeth L. Deeley
Dennis J. Abdelnour (admitted *pro hac vice*)

21 *Attorneys for Defendant*
ZONEPERFECT NUTRITION COMPANY

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27 ¹ I, Jonathan D. Brightbill, am the ECF user whose ID and password are being used to file this
28 Stipulation to Extend the Deadline for Defendant to File and Answer. In compliance with Civil L.R.
5.1(i)(3), I hereby attest that the following attorney has concurred in this filing: Joseph N. Kravec, Jr.
Attorney for Plaintiff Kimberly S. Sethavanish.

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STEMBER FEINSTEIN DOYLE PAYNE &
KRAVEC, LLC

DATED: February 22, 2013

By: /s/ Joseph N. Kravec, Jr.

Joseph N. Kravec, Jr. (admitted *pro hac vice*)

Attorney for Plaintiff
KIMBERLY S. SETHAVANISH

PURSUANT TO STIPULATION, IT IS SO ORDERED

Dated: February 25, 2013


The Honorable Samuel Conti