

1 Pierce Gore (SBN 128515)  
 2 1871 The Alameda, Suite 425  
 3 San Jose, CA 95126  
 4 Telephone: (408) 369-0800  
 Fax: (408) 369-0752  
[pgore@prattattorneys.com](mailto:pgore@prattattorneys.com)

5 *Attorneys for Plaintiffs*

6  
 7  
 8  
 9 IN THE UNITED STATES DISTRICT COURT  
 10 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 11 SAN FRANCISCO DIVISION

13 ALEX ANG and KEVIN AVOY,  
 14 individually and on behalf of all others  
 similarly situated,

15 Plaintiffs,

16 v.

17 WHITEWAVE FOODS COMPANY,  
 18 DEAN FOODS COMPANY, WWF  
 OPERATING COMPANY, and  
 19 HORIZON ORGANIC DAIRY LLC,

20 Defendants.

Case No. 3:13-cv-01953-SC

**STIPULATION AND ~~PROPOSED~~ ORDER  
 REGARDING BRIEFING SCHEDULE ON  
 MOTION TO DISMISS COMPLAINT**

Judge: Hon. Samuel Conti

Original Complaint Filed: April 29, 2013

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

22 WHEREAS, on April 29, 2013, Plaintiffs filed their Complaint for Damages, Equitable  
 23 and Injunctive Relief (“Complaint”);  
 24

25 WHEREAS, on August 1, 2013, Defendants filed a Motion to Dismiss Plaintiffs’  
 26 Complaint (“Motion”);  
 27  
 28

Stipulation re Briefing Schedule on  
 Motion to Dismiss

1 WHEREAS, Plaintiffs' response to the Motion is due August 15, 2013, the reply is due  
2 August 22, 2013 and the hearing is scheduled on September 13, 2013;

3 WHEREAS, Plaintiffs need more time to prepare their response to the Motion;

4 NOW, therefore, the parties hereby STIPULATE that Plaintiffs' response to Defendants'  
5 Motion to Dismiss will be due September 3, 2013, Defendant's reply will be due September 18,  
6 2013 and the hearing shall be scheduled on October 11, 2013.  
7

8 IT IS SO STIPULATED.

9 Dated: August 6, 2013

Dated: August 6, 2013

10 PRATT & ASSOCIATES

LINER GRODE STEIN YANKELEVITZ  
SUNSHINE

11  
12 /s/ Pierce Gore  
Ben F. Pierce Gore

/s/ Angela C. Agrusa  
Angela C. Agrusa

13 Attorney for Plaintiffs  
14 ALEX ANG and KEVIN AVOY

Attorney for Defendants  
15 WHITEWAVE FOODS COMPANY, DEAN  
16 FOODS COMPANY, WWF OPERATING  
17 COMPANY, and HORIZON ORGANIC  
DAIRY LLC

18 Pierce Gore attests that Angela C. Agrusa has consented to the filing of this document.

19 /s/ Pierce Gore  
20 Pierce Gore

21 **ORDER**

22  
23 **IT IS SO ORDERED**, this 9 day of August, 2013.

