

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) 429-6506  
Fax: (408) 369-0752  
[pgore@prattattorneys.com](mailto:pgore@prattattorneys.com)

David Shelton (*pro hac vice*)  
1223 Jackson Avenue East, Suite 202  
P.O. Box 2541  
Oxford, MS 38655  
Telephone: (662) 281-1212 (direct dial)  
Fax: (662) 281-1312  
[david@davidsheltonpllc.com](mailto:david@davidsheltonpllc.com)

*Attorneys for Plaintiffs*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

MARY SWEARINGEN and ROBERT FIGY,  
individually and on behalf of all others similarly  
situated,  
  
Plaintiffs,  
  
v.  
  
LATE JULY SNACKS LLC,  
  
Defendant.

Case No. 13-cv-4324-EMC

**STIPULATION AND ~~PROPOSED~~  
ORDER REGARDING BRIEFING  
SCHEDULE AND CASE  
MANAGEMENT CONFERENCE**

1 WHEREAS, Plaintiffs and Defendant Late July Snacks LLC (“Defendant”) previously  
2 agreed, by stipulation, to extend the time for Defendant to answer or otherwise respond to the  
3 Plaintiffs’ Amended Complaint (Doc. #27), and the Court signed an order granting the  
4 stipulation (Doc. #29);

5 WHEREAS, Defendant filed a Motion to Dismiss on February 3, 2014 (Doc. #32);

6 WHEREAS, Defendant’s Motion to Dismiss is thirty (30) pages long, pursuant to the  
7 Court’s order granting in part the Motion for Leave to File Excess Pages (Doc. #31), which also  
8 permitted Plaintiffs to file an opposition up to thirty (30) pages long;

9 WHEREAS, Defendant also filed a Request for Judicial Notice with numerous exhibits  
10 (Doc. # 33-44);

11 WHEREAS, in light of the expanded length of the Motion to Dismiss, as well as  
12 counsel’s pre-existing obligations in February and March, Plaintiffs and Defendant have agreed  
13 to extend the time for Plaintiffs to respond to Defendant’s Motion to Dismiss to March 4, 2014,  
14 and also extend Defendant’s time to reply until March 25, 2014;

15 WHEREAS, the proposed amended briefing schedule would still require all briefing to  
16 be completed in advance of the hearing on the Motion to Dismiss, which is currently set for  
17 April 3, 2014; (motion hearing is reset for 4/17/14 at 1:30 p.m.)

18 WHEREAS, the parties have agreed to request that the Case Management Conference  
19 currently scheduled for February 27, 2014 be moved to after the hearing on the Motion to  
20 Dismiss (the parties understand that the Court would be available on April 24, 2014 for the  
21 rescheduled Case Management Conference);

22 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED pursuant to Civil  
23 Local Rule 6-1(a), by and between the parties to this action per their undersigned counsel, that  
24 the deadline for Plaintiffs to respond to Defendant’s Motion to Dismiss will be March 4, 2014  
25 and the deadline for Defendant to reply in support of its Motion to Dismiss will be March 25,  
26 2014, and that the Case Management Conference for this matter shall be re-set for ~~April 24,~~  
27 ~~2014.~~ 5/15/14 at 10:30 a.m. A joint CMC statement shall be filed by 5/8/14.  
28

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

Dated: February 13, 2014

By: /s/ Rocky C. Tsai

---

Rocky C. Tsai  
Attorneys for Defendant  
LATE JULY SNACKS LLC

Dated: February 13, 2014

By: /s/ Ben F. Pierce Gore

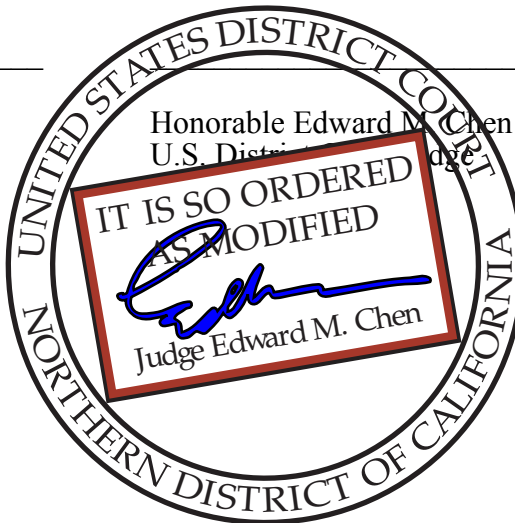
---

Ben F. Pierce Gore  
Attorneys for Plaintiffs

~~[PROPOSED]~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED. (as modified on p. 1)

Dated: 2/14/14



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