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

Case No. 13-cv-4324-EMC

JOINT CMC STATEMENT

MARY SWEARINGEN and ROBERT FIGY,
individually and on behalf of all others similarly
situated,

Plaintiffs,

v.

LATE JULY SNACKS LLC,

Defendant.

1 Plaintiffs Mary Swearingen and Robert Figy, along with defendant Late July Snacks
2 LLC, submit this Joint CMC Statement pursuant to the Court’s order on the record on May 22,
3 2014 staying this action and directing the parties to submit a Joint CMC Statement by
4 November 6, 2014.

5 As of the date of this filing, the FDA has not issued further information concerning its
6 consideration of the use of the term “evaporated cane juice” (“ECJ”).
7

8 The parties respectfully request that the Court maintain the stay in this case for an
9 additional ninety days, as other Judges of this Court in stayed ECJ cases have recently done.
10 *See Reese v. Odwalla, Inc.*, No. 13-cv-947-YGR (11/4/14 Order, docket No. 66) (extending stay
11 for approximately 180 days); *Avila v. Green Valley Organics, L.P.*, No. 13-cv-00335-EJD
12 (10/29/14 Order, docket No. 50) (extending stay of ECJ case by approximately 90 days); *Figy v.*
13 *Lifeway Foods, Inc.*, No. 13-cv-04828-THE (10/21/14 Order, docket no. 46) (same);
14 *Swearingen v. Pacific Foods of Oregon, Inc.*, No. 13-cv-04157-JD (10/14/14 Order, docket No.
15 40) (same).
16

17 In light of this joint request, the parties further respectfully request that the Court
18 continue the CMC currently scheduled for November 13, 2014 to February 12, 2015
19 (approximately 90 days) or to a date thereafter when the Court is available.
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Dated: November 6, 2014

By: /s/ Joshua L. Solomon

Joshua L. Solomon (admitted *pro hac vice*)
Attorneys for Defendant
LATE JULY SNACKS LLC

Dated: November 6, 2014

By: /s/ Ben F. Pierce Gore

Ben F. Pierce Gore
Attorneys for Plaintiffs

IT IS SO ORDERED that the Further CMC is reset from 11/13/14 to 2/12/15 at 10:30 a.m. An updated joint CMC Statement shall be filed by 2/5/15.

Edward M. Chen
U.S. District Judge

