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16 *Attorneys for Defendant Late July Snacks LLC*

17 **UNITED STATES DISTRICT COURT**  
18 **NORTHERN DISTRICT OF CALIFORNIA**  
19 **SAN FRANCISCO DIVISION**

20 Case No. 13-cv-4324-EMC

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

23 Plaintiffs,

24 v.

25 LATE JULY SNACKS LLC,

26 Defendant.  
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**STIPULATION AND ~~PROPOSED~~**  
**ORDER CONTINUING CASE**  
**MANAGEMENT CONFERENCE**

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Subject to the Court’s approval, the parties stipulate as follows:

WHEREAS, this action and the action captioned *Swearingen v. Healthy Beverage, LLC*, Case No. 3:13-CV-04385 EMC, are both pending before this Court, both are brought by the same two plaintiffs, both concern the issue of use of the term “evaporated cane juice” on product labels, and both have been stayed;

WHEREAS, the Court has placed both this action and the *Healthy Beverage* action on the same schedule, conducting a joint case management conference on May 14, 2015 and scheduling a further case management conference in both actions for September 24, 2015;

WHEREAS, on September 10, 2015, the Court reset the September 24, 2015 case management conference for September 23, 2015;

WHEREAS, on September 14, 2015, plaintiffs and defendant in the *Healthy Beverage* action filed a stipulation and proposed order requesting a continuance of the CMC in light of the Yom Kippur holiday;

WHEREAS, the Court has rescheduled the CMC in the *Healthy Beverage* action to October 15, 2015 at 10:30 a.m.; and

WHEREAS, the parties respectfully suggest that, in light of the related issues in both actions with respect to the stay in both actions, it would serve the interests of judicial efficiency for the CMC in both actions to remain on the same date;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, subject to the Court’s approval, that the CMC in this action currently scheduled for September 23, 2015 be continued to October 15, 2015 at 10:30 a.m., with the parties to file a joint CMC statement on or before October 8, 2015.

Dated: September 14, 2015

By: /s/ Rocky C. Tsai

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Rocky C. Tsai

Attorneys for Defendant  
LATE JULY SNACKS LLC

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Dated: September 14, 2015

By: /s/ Ben F. Pierce Gore

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Ben F. Pierce Gore

Attorneys for Plaintiffs

~~[PROPOSED]~~ ORDER

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 9/15/15

