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Attorneys for Defendant Late July Snacks LLC

**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 CONTINUING CASE
MANAGEMENT CONFERENCE**

Judge: Hon. Edward M. Chen
Current CMC Date: May 5, 2016

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

WHEREAS, on October 16, 2015, this Court scheduled a Case Management Conference (“CMC”) for April 7, 2016 [Dkt. 85], which was since continued to May 5, 2016 [Dkt. 88];

WHEREAS, on March 11, 2016, the Court issued an Order in this action requesting that the FDA Commissioner inform the Court whether the FDA is likely to issue any further guidance regarding evaporated cane juice within the next 180 days [Dkt. 86];

WHEREAS, as of April 19, 2016, the FDA has not responded to the Court’s request;

WHEREAS, the parties seek to continue the CMC to give the FDA additional time to respond to the Court’s March 11, 2016 Order, without prejudice to either party seeking to reschedule the CMC after the FDA has responded to the Court’s March 11, 2016 Order;

WHEREAS, the continuance shall be without prejudice to a party’s application for a further continuance in this matter, including but not limited to defendant’s application for a further continuance of the stay of the action based on *Kane v. Chobani*, 14-15670 (9th Cir. March 24, 2006) until FDA proceedings have been completed; and

The parties stipulate that:

1. The Case Management Conference currently scheduled for May 5, 2016 at 9:30 a.m. will be placed off calendar;
2. The action is stayed subject to a party’s application to the Court to remove the stay, or as may be further ordered by the Court;
3. Any removal of the stay is without prejudice to a party’s application for a further continuance in this matter, including but not limited to defendant’s application for a further continuance of the stay of the action based on *Kane v. Chobani*, 14-15670 (9th Cir. March 24, 2006) until FDA proceedings have been completed; and,
4. The parties shall submit a Joint Case Management Statement at least seven days prior to the next CMC whenever established by the Court.

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Dated: April 19, 2016

By: /s/ Rocky C. Tsai
Rocky C. Tsai
Attorneys for Defendant
LATE JULY SNACKS LLC

Dated: April 19, 2016

By: /s/ Ben F. Pierce Gore
Ben F. Pierce Gore
Attorneys for Plaintiffs

~~PROPOSED~~ ORDER

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

Further CMC reset for
9/8/16 at 10:30 a.m. An
updated joint CMC statement
due 9/1/16.

Dated: 4/22/16 _____

