

United States District Court  
Northern District of California

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ROBERT E. FIGY,  
Plaintiff,  
v.  
LIFEWAY FOODS, INC.,  
Defendant.

Case No. 13-cv-04828-TEH

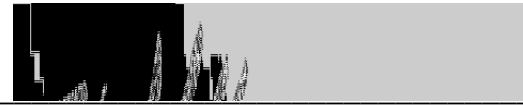
**ORDER REGARDING  
SUPPLEMENTAL BRIEFING ON  
RECENT FDA GUIDANCE**

On May 5, 2014, this Court issued an order staying this action pending final guidance from the U.S. Food and Drug Administration (“FDA”) on whether “Evaporated Cane Juice” is an appropriate name for an ingredient in certain products from Defendant Lifeway Foods, Inc. Dkt. No. 44. On January 1, 2016, this Court lifted that stay in light of the FDA’s delay in providing final guidance. Dkt. No. 57. The matter is currently set for a June 13, 2016 hearing on Defendant’s motions to dismiss and strike Plaintiff’s First Amended Complaint. Dkt. No. 70.

On May 25, 2016, the FDA issued its final guidance on the term “Evaporated Cane Juice.” Dkt. No. 76. Accordingly, IT IS HEREBY ORDERED that the parties shall submit supplemental briefs of no more than five double-spaced pages, not including declarations and exhibits, addressing what effect, if any, the FDA’s final guidance has on Defendant’s pending motions to dismiss and strike. Unless otherwise stipulated by the parties, the briefs shall be filed on or before **June 9, 2016** and the Court shall hold oral argument as scheduled on June 13, 2016.

**IT IS SO ORDERED.**

Dated: 06/02/16



THELTON E. HENDERSON  
United States District Judge