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13 Interim Co-Lead Counsel for Plaintiffs and the
Proposed Class

14 [Additional counsel listed on signature page]

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UNITED STATES DISTRICT COURT

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NORTHERN DISTRICT OF CALIFORNIA

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SAN FRANCISCO DIVISION

19 STACY SCIORTINO, *et al.*, on behalf of
themselves and all others similarly situated,

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Plaintiffs,

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v.

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PEPSICO, INC., a North Carolina
23 Corporation,

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Defendant.

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CASE NO. C 14-0478-EMC

Consolidated with Nos. 14-0713, 14-1099, 14-1105, 14-1192, 14-1193, 14-1316, 14-2020, 14-2023

CLASS ACTION

**STIPULATION AND [PROPOSED]
ORDER RE-SETTING HEARING ON
DEFENDANT PEPSICO, INC.'S MOTION
TO DISMISS PLAINTIFFS'
CONSOLIDATED AMENDED
COMPLAINT FROM FEBRUARY 12,
2015 TO FEBRUARY 19, 2015**

The Honorable Edward M. Chen

1 WHEREAS, on August 25, 2014, Plaintiffs filed their Consolidated Amended Complaint;

2 WHEREAS, on October 24, 2014, Defendant PepsiCo, Inc. filed its Motion to Dismiss
3 Plaintiffs' Consolidated Amended Complaint;

4 WHEREAS, the parties previously stipulated, and the Court ordered, that the hearing on
5 Defendant's Motion to Dismiss be re-set from January 29, 2015 to February 12, 2015 to
6 accommodate a scheduling conflict for certain defense counsel (Dkt. No. 91);

7 WHEREAS, due to a new scheduling conflict for certain Plaintiffs' counsel, the parties
8 have agreed to seek to re-set the hearing on Defendant's Motion to Dismiss from February 12,
9 2015 to February 19, 2015;

10 WHEREAS, this stipulation will not alter the date of any other event or deadline already
11 fixed by the Court or the parties;

12 NOW THEREFORE, the parties stipulate that, subject to Court approval, the hearing on
13 Defendant's Motion to Dismiss shall be re-set to February 19, 2015 at 1:30 p.m., or as soon
14 thereafter as the Court may order.

15 IT IS SO STIPULATED.

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17 DATED: February 2, 2015

PEARSON, SIMON & WARSHAW, LLP

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By: /s/ Daniel L. Warshaw

DANIEL L. WARSHAW

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Attorneys for Plaintiffs

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DATED: February 2, 2015

GIBSON, DUNN & CRUTCHER LLP

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By: /s/ Christopher Chorba

CHRISTOPHER CHORBA

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Attorneys for Defendant

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ATTESTATION

Pursuant to Civil Local Rule 5-1, I, Daniel L. Warshaw, attest that all signatories listed, and on whose behalf the filing is submitted, concur in the filing's content and have authorized the filing.

DATED: February 2, 2015

PEARSON, SIMON & WARSHAW, LLP

By: /s/ Daniel L. Warshaw
DANIEL L. WARSHAW

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ORDER

Having considered the parties' stipulation, the Court hereby orders that the hearing on Defendant PepsiCo, Inc.'s Motion to Dismiss Plaintiffs' Consolidated Amended Complaint is re-set to February 19, 2015 at 1:30 p.m. The previously scheduling hearing date of February 12, 2015 for Defendant's Motion to Dismiss is vacated.

IT IS SO ORDERED.

DATED: 2/4/15

