

1 **GUTRIDE SAFIER LLP**
 2 ADAM J. GUTRIDE (State Bar No. 181446)
 3 SETH A. SAFIER (State Bar No. 197427)
 4 MARIE MCCRARY (State Bar No. 262670)
 5 KRISTEN G. SIMPLICIO (State Bar No. 263291)
 6 835 Douglass Street
 7 San Francisco, California 94114
 8 Telephone: (415) 639-9090
 9 Facsimile: (415) 449-6469
 10
 11 Attorneys for Plaintiff, SCOTT KOLLER

12 UNITED STATES DISTRICT COURT
 13
 14 NORTHERN DISTRICT OF CALIFORNIA

15 SCOTT KOLLER, an individual, on behalf
 16 of himself, the general public and those
 17 similarly situated,

18 Plaintiff,

19 v.

20 DEOLEO USA, INC.; and MED FOODS,
 21 INC.,

22 Defendants.

CASE NO. 3:14-cv-02400-RS

ORDER
**STIPULATION TO EXTEND BRIEFING
 SCHEDULE AND HEARING DATE ON
 PLAINTIFF'S MOTION FOR CLASS
 CERTIFICATION**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 **WHEREAS**, on October 29, 2015 Plaintiff Scott Koller (“Plaintiff”) filed his Motion for
2 Class Certification (Dkt. Nos. 61-62), and further briefing was not completed as the case was
3 stayed on December 14, 2015 (Dkt. No. 79);

4 **WHEREAS**, on January 19, 2017, this Court lifted the stay (Dkt. No. 90);

5 **WHEREAS**, on January 20, 2017, Plaintiff filed his Renewed Notice of Motion for Class
6 Certification (Dkt. No. 93);

7 **WHEREAS**, Defendant’s current deadline to respond is set for February 3, 2017 and
8 Plaintiffs’ reply in support of his Motion for Class Certification is currently due February 10,
9 2017;

10 **WHEREAS**, the hearing on Plaintiff’s motion for class certification is currently set for
11 March 2, 2017 at 1:30 p.m.;

12 **WHEREAS**, the parties need additional time to complete their briefs and conduct any
13 relevant depositions;

14 **WHEREAS**, Defendants shall make their expert witnesses available for deposition no
15 later than March 17, 2017 unless otherwise agreed by Plaintiffs’ counsel;

16 **WHEREAS**, Defendants agree not to seek further continuance of this schedule for any
17 reason, including, but not limited to, reasons stemming from the dispute over the letter of request
18 to Wagga Wagga Agricultural Institute, inability to complete discovery from Plaintiff and/or his
19 experts, unavailability of witnesses, and unavailability of counsel;

20 **WHEREAS**, pursuant to Local Civil Rule 6-1(b), a Court order is necessary to extend the
21 briefing schedule;

22 **WHEREAS**, the postponement will not impact any other scheduled dates;

23 **WHEREAS**, no other time modifications have been requested since the Court lifted the
24 stay;

25 **NOW, THEREFORE, IT IS STIPULATED**, by and between the undersigned parties,
26 through their respective counsel of record, pursuant to Rule 6 and Local Civil Rules 6-1(b) and
27 2(a), as follows:
28

1 Defendant's Opposition March 2, 2017
2 Plaintiff's Reply March 30, 2017
3 Hearing Date April 13, 2017 at 1:30 p.m.

4 STIPULATED AND AGREED:

5
6 Dated: February 1, 2017

/s/ Kristen G. Simplicio
Adam J. Gutride
Seth A. Safier
Kristen G. Simplicio
GUTRIDE SAFIER LLP
100 Pine Street, Suite 1250
San Francisco, California 94111

Attorneys for Plaintiff

12 Dated: February 1, 2017

/s/ Stephanie A. Stroup
Stephanie A. Stroup
FULBRIGHT & JAWORSKI LLP
555 South Flower Street, Forty-First Floor
Los Angeles, California 90071
Attorneys for Deoleo USA, Inc. (f/k/a Med Foods,
Inc.)

19 Pursuant to Local Civil Rule 6-2(a), and **GOOD CAUSE APPEARING THEREFOR**,
20 the stipulated briefing schedule set forth above is hereby adopted.

21 **IT IS SO ORDERED.**

23 DATED: 2/1/17


THE HONORABLE RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE