

1 LATHAM & WATKINS LLP
 Niall E. Lynch (Bar No. 157959)
 2 *niall.lynch@lw.com*
 505 Montgomery Street, Suite 2000
 3 San Francisco, California 94111-6538
 Telephone: +1.415.391.0600
 4 Facsimile: +1.415.395.8095

5 Attorney for Defendants
 FERRELLGAS PARTNERS, L.P. and
 6 FERRELLGAS, L.P.

7 FOLEY & LARDNER LLP
 Tammy H. Boggs (Bar No. 252538)
 8 *tboggs@foley.com*
 3579 Valley Centre Drive, Suite 300
 9 San Diego, California 92130
 Telephone: +1.858.847.6700
 10 Facsimile: +1.858.792.6773

11 Attorney for Defendants
 AMERIGAS PARTNERS, L.P., AMERIGAS
 12 PROPANE L.P., and AMERIGAS PROPANE, INC.

13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA
 15 SAN FRANCISCO DIVISION
 16

17 SEAN VENEZIA, MICHAEL S. HARVEY,
 18 GREGORY LUDVIGSEN, ARTHUR HULL,
 and ALAN ROCKWELL, individually and on
 19 behalf of a class of all others similarly
 situated,

20 Plaintiffs,

21 v.

22 FERRELLGAS PARTNERS, L.P., a limited
 23 partnership; FERRELLGAS, L.P., a limited
 partnership d/b/a Blue Rhino; AMERIGAS
 24 PARTNERS, L.P., a limited partnership, and
 AMERIGAS PROPANE, L.P., a limited
 25 partnership d/b/a AmeriGas Cylinder
 Exchange, and AMERIGAS PROPANE,
 26 INC., a corporation,

27 Defendants.
 28

CASE NO. 3:14-CV-03141-NC

**STIPULATION AND ~~PROPOSED~~ ORDER
 CONTINUING INITIAL CASE
 MANAGEMENT CONFERENCE**

1 Plaintiffs Sean Venezia, Michael S. Harvey, Gregory Ludvigsen, Arthur Hull, and Alan
2 Rockwell, by and through their respective counsel (“Plaintiffs”), and Defendants Ferrellgas
3 Partners, L.P., Ferrellgas, L.P., AmeriGas Partners, L.P., AmeriGas Propane, L.P., and
4 AmeriGas Propane, Inc., by and through their respective counsel (collectively, “Defendants”),
5 hereby stipulate the following:

6 WHEREAS, on July 10, 2014, Plaintiffs, individually and on behalf of all others
7 similarly situated, filed a complaint captioned *Sean Venezia v. Ferrellgas Partners, L.P. et al.*,
8 No. 3:14-cv-03141, a putative class action alleging violations of Section 1 of the Sherman Act,
9 State Antitrust and Unfair Competition Laws, and State Consumer Protection and Unfair
10 Competition Laws;

11 WHEREAS, pursuant to the July 11, 2014 Order Setting Initial Case Management
12 Conference and ADR Deadlines, the Initial Case Management Conference was scheduled for
13 October 8, 2014 at 10:00 AM;

14 WHEREAS, over thirty similar actions have been filed against Defendants in at least six
15 other courts—the United States District Court for the Western District of Missouri, the United
16 States District Court for the District of Kansas, the United States District Court for the Southern
17 District of California, the United States District Court for the Eastern District of Pennsylvania,
18 the United States District Court for the Eastern District of Louisiana, and the United States
19 District Court for the Central District of California. These actions raise allegations and claims
20 similar to those asserted in the Complaint pending before this Court. Motion practice regarding
21 the appropriate forum for consolidation and/or transfer of this case and over thirty others is
22 currently underway before the Joint Panel on Multidistrict Litigation (“JPML”). *See JPML*
23 *Docket No. 2567, In re Pre-Filled Propane Tank Antitrust Litigation;*

24 WHEREAS, the JPML has set a hearing on the Motion to Transfer and Consolidate on
25 October 2, 2014, which necessitates the requested continuance;

26 WHEREAS, no prior extension has been requested;

27 WHEREAS, in order to avoid the unnecessary expenditure of the Court’s and parties’
28 resources prior to the JPML’s ruling on the Motion to Transfer and Consolidate, the parties agree

1 to continue the Initial Case Management Conference until after the Motion to Transfer and
2 Consolidate has been adjudicated, motions to dismiss have been filed and resolved, and an
3 answer has been filed in this case; and

4 WHEREAS, this Stipulation and Order is without prejudice to, or waiver of, any rights,
5 arguments, or defenses otherwise available to the parties to this action.

6 NOW, THEREFORE, in the interest of judicial economy and good cause showing, the
7 undersigned parties, by and through their counsel of record, stipulate as follows:

8 The Initial Case Management Conference, currently scheduled for October 8, 2014 at
9 10:00 AM, shall be continued until thirty days after an answer is filed in this case, with the other
10 dates set by the Order Setting Initial Case Management Conference and ADR Deadlines
11 continued accordingly.

12 The parties respectfully request that the Court enter an Order approving this Stipulation.

13 IT IS SO STIPULATED.

14
15 Dated: September 17, 2014

Respectfully submitted,
LATHAM & WATKINS LLP

17 By: /s/ Niall E. Lynch
Niall E. Lynch

18
19 LATHAM & WATKINS LLP
Niall E. Lynch
20 505 Montgomery Street, Suite 2000
San Francisco, California 94111-6538
21 Telephone: (415) 391-0600
Facsimile: (415) 395-8095
niall.lynch@lw.com

22
23 *Attorney for Defendants*
Ferrellgas Partners, L.P. and Ferrellgas, L.P.

1 Dated: September 17, 2014

Respectfully submitted,
FOLEY & LARDNER LLP

2

3

By: /s/ Tammy H. Boggs
Tammy H. Boggs

4

5

FOLEY & LARDNER LLP
Tammy H. Boggs
3579 Valley Centre Drive, Suite 300
San Diego, CA 92130
Telephone: (858) 847-6700
Facsimile: (858) 792-6773
tboggs@foley.com

6

7

8

*Attorney for Defendants AmeriGas Partners,
L.P., AmeriGas Propane, L.P. and AmeriGas
Propane, Inc.*

9

10

11

Dated: September 17, 2014

Respectfully submitted,
**LUKAS, NACE, GUTIERREZ & SACHS,
LLP**

12

13

14

By: /s/ Brooks E. Harlow
Brooks E. Harlow

15

16

LUKAS, NACE, GUTIERREZ & SACHS, LLP
Brooks E. Harlow
8300 Greensboro Drive, Suite 1200
McLean, VA 22101
Telephone: (703) 584-8678
Facsimile: (703) 584-8694
bharlow@fcclaw.com

17

18

19

*Attorney for Plaintiffs Sean Venezia, Michael S.
Harvey, Gregory Ludvigsen, Arthur Hull and
Alan Rockwell*

20

21

22

23

24

25

26

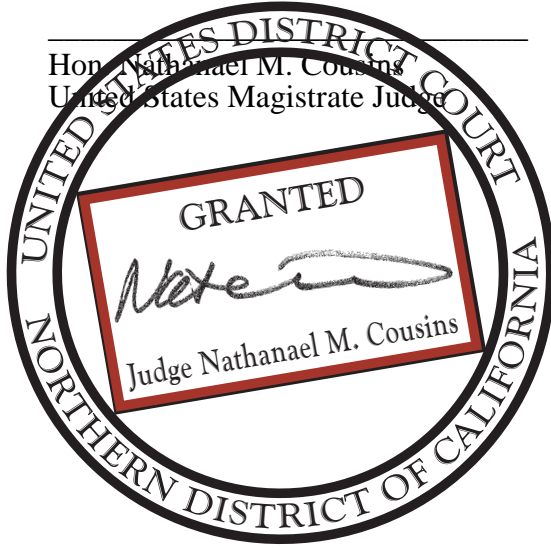
27

28

1 **PURSUANT TO STIPULATION, IT IS SO ORDERED.** Case management conference scheduled
2 for November 12, 2014 at 10:00 a.m. Joint case management statement due November 5, 2014.

3 DATED: September 19, 2014

4 _____
5 Hon. Nathanael M. Cousins
6 United States Magistrate Judge



7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

ATTESTATION CLAUSE

I, Niall Lynch, am the ECF User whose identification and password are being used to file this Stipulation and [Proposed] Order Continuing Initial Case Management Conference pursuant to Civil Local Rule 5-1. I hereby attest that Tammy Boggs and Brooks Harlow have concurred in this filing. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 17th day of September, 2014 at San Francisco, California.

Dated: September 17, 2014

LATHAM & WATKINS LLP

By: /s/ Niall E. Lynch
Niall E. Lynch

*Attorney for Defendants
Ferrellgas Partners, L.P. and Ferrellgas, L.P.*