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11 [Additional Counsel Appear on Signature Page]

12 *Attorneys for Plaintiff and the Proposed Class*

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

16 TUCKER DURNFORD, individually and on
 17 behalf of all others similarly situated,

18 Plaintiff,

19 v.

20 MUSCLEPHARM CORP.,

21 Defendant.

NO. 3:15-cv-00413-HSG

**STIPULATION AND ORDER
 PERMITTING PLAINTIFF TO FILE A
 FIRST AMENDED COMPLAINT**

JURY TRIAL DEMAND

Honorable Haywood S. Gilliam Jr.

DATE:

TIME:

LOCATION: Courtroom 15 – 18th Floor

1 **I. RECITALS**

2 1. Plaintiff filed his complaint on January 28, 2015, alleging violations of the
3 Consumer’s Legal Remedies Act, Cal. Civil Code §§ 1750, et seq. (“CLRA”).

4 2. On January 13, 2015, before filing the complaint, Plaintiff sent a letter to
5 Defendant, which letter Plaintiff contends is in compliance with Cal. Civil Code § 1782(a),
6 demanding Defendant correct the alleged defect in its product and make restitution.

7 3. Defendant disputes the purported facts set forth in the letter dated January 13,
8 2015, and denies that the product is defective or otherwise actionable under the CLRA, and

9 4. Defendant therefore did not provide a “correction, repair, replacement, or other
10 remedy” pursuant to Cal. Civil Code § 1782(b) within the thirty days of the date of the letter.
11 Thus, Plaintiff seeks to amend his complaint to seek damages under the CLRA pursuant to Cal.
12 Civil Code § 1782(d).

13 **II. STIPULATION**

14 1. Plaintiff and Defendant stipulate to the filing of the First Amended Complaint in
15 substantially the same form as Exhibit 1, attached hereto.

16 2. Plaintiff shall file his First Amended Complaint within five business days of the
17 order approving this stipulation.

18 3. Defendant shall have thirty (30) days in which to answer or otherwise respond to
19 Plaintiff’s First Amended Complaint.

20 RESPECTFULLY SUBMITTED AND DATED this 28th day of July, 2015.

21 TERRELL MARSHALL DAUDT
22 & WILLIE PLLC

ULMER & BERNE LLP

23 By: /s/ Mary B. Reiten, CSB #203412
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By: /s/ Michael J. Suffern, Admitted Pro
Hac Vice by 7/23/15 Email
authorization
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15 *Attorneys for Defendant*

16
17 **III. ATTESTATION**

18 I hereby attest that I have on file all holographic signatures corresponding to any
19 signatures indicated by a conformed signature (/s/) within this e-filed document.
20
21
22
23
24
25
26
27

1 DATED this 28th day of July, 2015.

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11 **IV. ORDER**

12 IT IS SO ORDERED.

13 Dated this 28th day of July, 2015.

14 

15 Haywood S. Gilliam Jr.

16 UNITED STATES DISTRICT JUDGE

1 CERTIFICATE OF SERVICE

2 I, Mary B. Reiten, hereby certify that on July 28, 2015, I electronically filed the
3 foregoing with the Clerk of the Court using the CM/ECF system which will send notification of
4 such filing to the following:

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1 DATED this 28th day of July, 2015.

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