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8
 9 UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 10 SAN FRANCISCO DIVISION

11 FRANK LUCIDO, *et al*, on behalf of
themselves and all others similarly situated,

Case No. 3:15-cv-00569-EMC

12 Plaintiffs,

**STIPULATION AND
 [PROPOSED] ORDER TO (1) SET
 A BRIEFING SCHEDULE FOR
 THE MOTIONS TO STRIKE
 EXPERT TESTIMONY; AND (2)
 CONTINUE THE HEARING ON
 THE MOTION TO STRIKE THE
 SUPPLEMENTAL REPORT OF
 DR. JENA QUESTEN Denied**

13 v.

14 NESTLÉ PURINA PETCARE COMPANY, a
15 Missouri corporation; and DOES1 through 200,
16 inclusive,

17 Defendants.

18 **CLASS ACTION**

19 Complaint Filed: February 5, 2015

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 27 STIPULATION AND [PROPOSED] ORDER TO (1) SET A BRIEFING
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 SUPPLEMENTAL REPORT OF DR. JENA QUESTEN - 1

CASE No. 3:15-cv-00569-EMC

1 **RECITALS**

2 WHEREAS, Defendant Nestle Purina Petcare Company has filed motions to exclude
3 the expert reports, opinions, and testimony of Plaintiffs’ experts, Dr. Jena Questen and Dr. John
4 H. Tegzes (Dkts. 109, 110, 124) (the “Motions to Strike Expert Testimony”) and a motion to
5 strike the supplemental report of Dr. Jena Questen (Dkt. 109) (the “Motion to Strike
6 Supplemental Report”);

7 WHEREAS, the Motions to Strike Expert Testimony were noticed for hearing on
8 October 27, 2016, the same day as the hearing on Defendant’s summary judgment motion;

9 WHEREAS, the Motion to Strike Supplemental Report was noticed for hearing on
10 September 15, 2016;

11 WHEREAS, the parties previously entered into a stipulated briefing schedule for the
12 motion for summary judgment (Dkt. 104). Under that briefing schedule, Plaintiffs’ opposition
13 to the motion for summary judgment is due on September 22, 2016 and Defendant’s reply in
14 support of the motion for summary judgment is due on October 13, 2016.

15 WHEREAS, because all of the above motions involve overlapping issues, the parties
16 agree that it would be most efficient and expedient to coordinate the briefing schedule and
17 hearing date for the Motions to Strike Expert Testimony with the briefing schedule for the
18 motion for summary judgment and coordinate the hearing on the Motion to Strike
19 Supplemental Report with the hearing on the motion for summary judgment.

20 WHEREAS counsel for the parties have conferred and agree.

21 **STIPULATION**

22 IT IS HEREBY STIPULATED, by all Plaintiffs and Defendant, by and through their
23 respective counsel, that:

24 1. The briefing schedule for the Motions to Exclude Expert Testimony will be the
25 same briefing schedule as the motion for summary judgment.

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CASE No. 3:15-cv-00569-EMC

1 **I. ORDER**

2 Based on the stipulation of the parties:

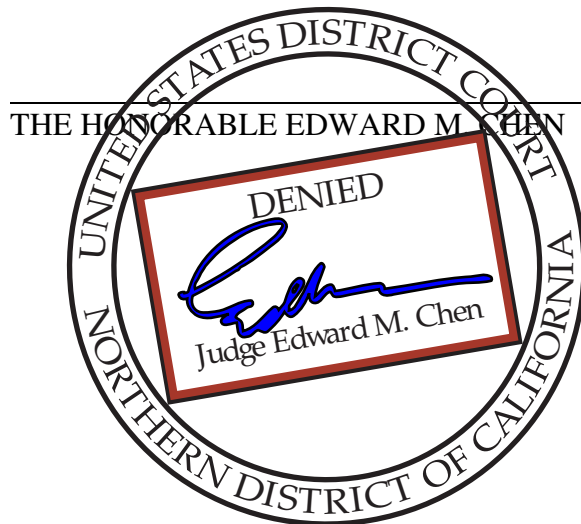
3 1. Plaintiffs' response to both Defendant's Motion to Exclude the Expert Report,
4 Opinions, and Testimony of Dr. Jena Questen (Dkt. 110) and Defendant's Motion to Exclude
5 the Expert Report, Opinions, and Testimony of Dr. John H. Tegzes (Dkt. 124) will be due on
6 September 22, 2016, the same day that Plaintiffs' opposition to Defendant's motion for
7 summary judgment is due.

8 2. Defendant's reply in support of its Motion to Exclude the Expert Report,
9 Opinions, and Testimony of Dr. Jena Questen (Dkt. 110) and Motion to Exclude the Expert
10 Report, Opinions, and Testimony of Dr. John H. Tegzes (Dkt. 124) will be due on October 13,
11 2016, the same day Defendant's reply in support of its motion for summary judgment is due.

12 3. The hearing on Defendant's Motion to Strike the Supplemental Expert Report of
13 Dr. Jena Questen (Dkt. 109), currently noticed for September 15, 2016, will be continued until
14 October 27, 2016.

15 IT IS SO ORDERED. (Denied)

16 DATED this 2nd day of September, 2016.



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1 CERTIFICATE OF SERVICE

2 I, Beth E. Terrell, hereby certify that on September 1, 2016, 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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22 *Attorneys for Defendant Nestle Purina Pet Care Company*

23 DATED this 1st day of September, 2016.

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