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9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**
11 **SAN FRANCISCO DIVISION**

12 ANDREA GREENBERG, on behalf of herself
13 and all others similarly situated,

14 Plaintiff,

15 v.

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17 GALDERMA LABORATORIES, L.P., and
DOES 1-100,

18 Defendants.
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Case No. 3:16-CV-06090-WHO

**STIPULATION AND ORDER SETTING
BRIEFING AND HEARING SCHEDULE
FOR PLAINTIFF'S MOTION TO
REMAND AND DEFENDANT'S MOTION
TO DISMISS**

Judge: Hon. William H. Orrick

Action Removed: October 21, 2016

STIPULATION

Pursuant to Local Rules 6-2 and 7-12, Plaintiff Andrea Greenberg (“Plaintiff”) and defendant Galderma Laboratories, L.P. (“Galderma”) (collectively, the “Parties”), by and through their respective counsel of record, enter into the following stipulation setting the briefing and hearing schedule for Plaintiff’s Motion to Remand and Defendant’s Motion to Dismiss, and declare the following:

WHEREAS, Plaintiff’s Complaint was originally filed in the Superior Court of the State of California, County of Alameda, Case No. RG 16-831799;

WHEREAS, on October 21, 2016, Galderma filed a Notice of Removal pursuant to the Class Action Fairness Act (“CAFA”) removing this action to the Northern District of California, Case No. 3:16-CV-06090;

WHEREAS, pursuant to 28 U.S.C. § 1446(a), Galderma’s Notice of Removal includes a short and plain statement of the grounds for removal, and, pursuant to *Dart v. Cherokee Basin Operating Co. LLC*, 135 S. Ct. 547 (2014) and its progeny, the Notice of Removal does not include any evidentiary submissions;

WHEREAS, Plaintiff intends to submit a Motion to Remand this case to the Superior Court shortly on the grounds that Galderma has not and cannot prove by a preponderance of the evidence that Plaintiff’s claims satisfy the \$5 million jurisdictional threshold under CAFA;

WHEREAS, Galderma intends to oppose Plaintiff’s Motion to Remand;

WHEREAS, Plaintiff anticipates conducting discovery regarding Galderma’s jurisdictional allegations after reviewing any evidentiary submissions filed by Galderma in connection with its Opposition to the Motion to Remand;

WHEREAS, on October 25, 2016, the Parties stipulated to extend Galderma’s deadline to respond to the Complaint from October 28, 2016 to November 28, 2016;

WHEREAS, on November 28, 2016, Galderma filed its Motion to Dismiss the Complaint;

WHEREAS, Plaintiff’s current deadline to file an Opposition to the Motion to Dismiss is December 12, 2016, and Galderma’s current deadline to file a Reply to Plaintiff’s Opposition is December 19, 2016;

1 WHEREAS, the hearing for Galderma's Motion to Dismiss is currently set for January 25,
2 2017 at 2:00 p.m. before the Honorable William H. Orrick in Courtroom 2 of this Court;

3 WHEREAS, the Parties agree that it would be most efficient to hold the hearings for
4 Galderma's Motion to Dismiss and Plaintiff's anticipated Motion to Remand on the same date;

5 WHEREAS, the Parties have met and conferred and agreed that they will need additional
6 time to conduct discovery prior to the January 25, 2017 hearing and to submit briefs to oppose and
7 reply to each motion;

8 WHEREAS, pursuant to the Court's Case Management Conference Order (ECF No. 12)
9 the initial Case Management Conference ("CMC") is presently scheduled for January 24, 2017;

10 WHEREAS, the Parties agree that it would be more efficient to hold the initial CMC after
11 the Court's ruling on Plaintiff's anticipated Motion to Remand and Galderma's Motion to
12 Dismiss;

13 WHEREAS, the Parties agree that neither will be prejudiced by extending the hearing for
14 the Motion to Dismiss and scheduling the hearing for the Motion to Remand on that same day, nor
15 will this litigation be unreasonably delayed.

16 THEREFORE, THE PARTIES HEREBY STIPULATE AND AGREE to the following
17 briefing and hearing schedule:

- 18 a) Plaintiff shall file a Motion to Remand the case to the Superior Court on or
19 before December 19, 2016;
- 20 b) Galderma shall file its opposition papers to Plaintiff's Motion to Remand on
21 or before January 18, 2017;
- 22 c) Plaintiff shall file her reply papers related to any Motion to Remand on or
23 before March 24, 2017;
- 24 d) Plaintiff shall file her opposition papers to the Motion to Dismiss on or
25 before February 24, 2017;
- 26 e) Galderma shall file its reply papers in support of its Motion to Dismiss on
27 or before March 24, 2017; and
- 28 f) The hearing for the Motion to Dismiss and the Motion to Remand on April

1 5, 2017, at 2:00 p.m., or at such other time thereafter as the Court might
2 schedule.

3 g) The Case Management Conference presently scheduled for January 24,
4 2017 shall be continued until April 25, 2017, or at such other time thereafter
5 as the Court might schedule.

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9 **IT IS SO STIPULATED.**

10 DATED: December 6, 2016

LEXINGTON LAW GROUP

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12 By: /s/ Howard Hirsch
13 Howard Hirsch
14 Attorneys for Plaintiff

15 DATED: December 6, 2016

MAYER BROWN LLP

16
17 By: /s/ Dale J. Giali
18 Dale J. Giali
19 Attorneys for Defendant

20 **ATTESTATION**

21 Pursuant to N.D. Cal. Local Rule 5.1(i)(3), I, Howard Hirsch, hereby attest that
22 concurrence to the filing of this document has been obtained from each signatory.

23 DATED: December 6, 2016

LEXINGTON LAW GROUP

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25 By: /s/ Howard Hirsch
26 Howard Hirsch
27 Attorneys for Plaintiff
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ORDER

PURSUANT TO THE STIPULATION, IT IS SO ORDERED.

Dated: December 7, 2016


UNITED STATES DISTRICT COURT JUDGE