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 11 PERDUE FOODS LLC

12 [Additional Counsel on the Next Page]

13 **UNITED STATES DISTRICT COURT**
 14 **NORTHERN DISTRICT OF CALIFORNIA**

15 BARBARA PERRY,
 16
 17 Plaintiff,
 18
 19 vs.
 20 PERDUE FOODS, LLC and COLEMAN
 21 NATURAL FOODS, LLC,
 22
 23 Defendants.

CASE NO.: 3:17-cv-03502-JST
~~18-cv-02664-JST~~

Judge Jon S. Tigar
 Courtroom 9 – 19th Floor

Mag. Judge Jacqueline Scott Corley
 Courtroom F – 15th Floor

**JOINT STIPULATION FOR
 BIFURCATION OF TRIAL WITH
 RESPECT TO PUNITIVE DAMAGES**

Complaint Filed: June 15, 2017
 Trial Date: June 10, 2019

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12 Attorneys for Plaintiff
13 BARBARA PERRY

14 **JOINT STIPULATION FOR BIFURCATION OF TRIAL WITH RESPECT TO**
15 **PUNITIVE DAMAGES**

16 It is hereby stipulated and agreed, by and between Defendant PERDUE FOODS
17 LLC (“Defendant”) and Plaintiff BARBARA PERRY (“Plaintiff”) (collectively the
18 “Parties”), that the Parties jointly stipulate to bifurcating the trial of this matter such that
19 punitive damages are tried separately, and, if liability is established, evidence of
20 Defendant’s finances and net worth are outlined in the Declaration of Richard Morin,
21 Vice President and Controller for Perdue Farms Inc., in lieu of Defendant producing
22 confidential and proprietary business records as follows:

23 1. Defendant is a privately held company and produces and distributes organic
24 chicken, turkey, and pork products. Defendant is based in Salisbury, Maryland and
25 operates as a subsidiary of Perdue Farms Inc.

26 2. Defendant purchased Coleman Natural Foods in 2015 and continues to do
27 business as Coleman Natural Foods.

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1 3. Plaintiff prays for punitive damages in her Complaint. The Parties agree and
2 stipulate to bifurcating the trial of this matter such that the amount of punitive damages is
3 tried separately, if and only if the court or jury determines that the conditions for an
4 award of punitive damages are satisfied.

5 4. Grounds for bifurcating the trial are that admission of evidence of
6 Defendant's profits, net worth, financial status or wealth during the liability phase of trial
7 would be unfairly prejudicial to Defendant.

8 5. During the liability phase of the trial, no evidence of Defendant's financial
9 condition and net worth shall be admissible. Attorneys for the Parties agree they shall not
10 interrogate any witnesses regarding or otherwise introduce any evidence at trial of
11 Defendant's financial condition or net worth, or the magnitude of Defendant's operations
12 for the liability phase of trial only.

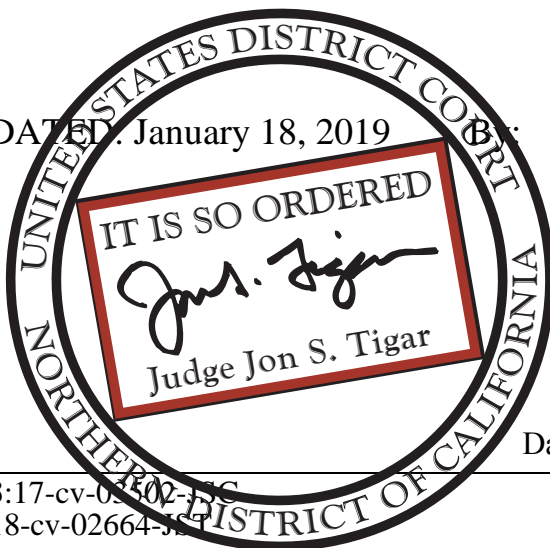
13 6. If liability is established for punitive damages, the evidence contained in this
14 stipulation and the Declaration of Richard Morin, may be used as evidence of
15 Defendant's financial condition and net worth to support for Plaintiff's claim for an
16 amount of punitive damages.

17 7. The Parties agree that this Joint Stipulation does not limit or waive
18 Defendant from opposing and defending against Plaintiff's claim for punitive damages.

19 8. The Parties agree that the Joint Stipulation does not admit liability for either
20 Party.

21 **IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.**

22
23
24 DATED: January 18, 2019



HUNTER PYLE LAW
LAW OFFICES OF ALEKSEY G. TOVARIAN

/s/ Tanya P. Tambling

Hunter Pyle, Esq.
Tanya P. Tambling, Esq.
Alex G. Tovarian, Esq.

Attorneys for Plaintiff
BARBARA PERRY

Dated: January 22, 2019

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JACKSON LEWIS P.C.

DATED: January 18, 2019 By: /s/ Erin W. Kendrella
Michael A. Hood, Esq.
Erin W. Kendrella, Esq.

Attorneys for Defendant
PERDUE FOODS LLC dba Coleman
Natural Foods (erroneously named a
Coleman Natural Foods, LLC)

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: _____
Hon. Jon S. Tigar
United States District Judge