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14 CORPORATION and WELLPET LLC

15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17

18 DANIEL ZEIGER, DANZ DOGGIE
DAYTRIPS, and AMY FREEBORN,
19 Individually and on Behalf of All Others
Similarly Situated,

20 Plaintiffs,

21 v.

22 WELLPET LLC, a Delaware corporation, and
23 BERWIND CORPORATION, a Pennsylvania
corporation,

24 Defendants.
25

Case No. 3:17-cv-04056-WHO

**STIPULATION AND ORDER TO SET
BRIEFING SCHEDULE ON DEFENDANTS'
MOTION TO DISMISS THE FIRST
AMENDED COMPLAINT**

Complaint Filed: July 19, 2017
FAC Filed: October 26, 2017

26 This Stipulation is entered into by and between the Parties, plaintiffs Daniel Zeiger, Danz
27 Doggie Daytrips and Amy Freeborn (“Plaintiffs”) and Defendants WellPet LLC and Berwind
28 Corporation (“Defendants”) through their respective undersigned counsel. The Parties hereby

1 stipulate, subject to the Court’s approval, to set a briefing schedule on Defendants’ Motion to
2 Dismiss the First Amended Complaint. This Stipulation is based on the following facts and the
3 accompanying declaration of Joan R. Camagong:

4 1. Plaintiffs filed their First Amended Complaint on October 26, 2017 [Dkt. 33].
5 Defendants filed their Motion to Dismiss the First Amended Complaint on November 9, 2017
6 (“Motion to Dismiss”) [Dkt. 34]. Plaintiffs’ current deadline to respond to Defendants’ Motion to
7 Dismiss is November 24, 2017 and Defendants’ reply is due by December 1, 2017. The hearing on
8 Defendants’ Motion to Dismiss is set for January 10, 2018.

9 2. The Parties have conferred and agree that due to the complexities and breadth of the
10 present issues and the upcoming holidays, additional time is required for the Parties to complete the
11 Motion to Dismiss briefing.

12 **THEREFORE, THE PARTIES HEREBY STIPULATE** as follows:

13 1. Pursuant to Local Rules 6-1(b) and 6-2, and subject to approval of the Court,
14 Plaintiffs shall file their opposition on or before December 5, 2017. Defendants shall file their reply
15 on or before December 19, 2017.

16 2. The Parties agree that by entering into this Stipulation, Defendants are not waiving
17 any defense that personal and/or subject matter jurisdiction is not proper before this Court.

18 The requested modification will not impact the current January 10, 2018 hearing date, or the
19 case schedule, which will be set at or following the initial case management conference.

20
21 Dated: November 14, 2017

Respectfully submitted,

SHOOK, HARDY & BACON L.L.P.

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23
24 By: /s/ Joan R. Camagong
Joan R. Camagong

25 Attorneys for Defendants
26 WellPet LLC and Berwind Corporation

1 Dated: November 14, 2017

Respectfully submitted,

2 ROBBINS ARROYO LLP

3
4 By: /s/ Ashley Rifkin
Ashley Rifkin

5 Attorneys for Plaintiffs Daniel Zeiger, Danz
6 Doggie Daytrips, and Amy Freeborn

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8 **Certification of Compliance with N.D. Cal. L.R. 5-1(i)(3)**

9 I hereby certify that pursuant to N.D. Cal. L.R. 5-1(i)(3), I have obtained the authorization
10 from the above signatories to file the above-referenced document, and that the above signatories
11 concur in the filing's content.

12 I certify under penalty of perjury under the laws of the United States of America that the
13 foregoing is true and correct. Executed on November 14, 2017.

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15 By: /s/ Joan R. Camagong
16 Joan R. Camagong

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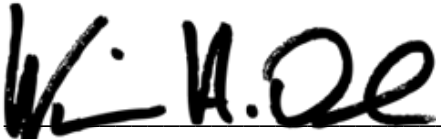
ORDER

Having considered the Stipulation to Set Briefing Schedule on Defendants' Motion to Dismiss the First Amended Complaint, filed by the Parties pursuant to Civil Local Rules 6-1(b) and 6-2, and good cause appearing, the COURT ORDERS as follows:

- 1. Plaintiffs shall file their opposition on or before December 5, 2017.
- 2. Defendants shall file their reply on or before December 19, 2017.

IT IS SO ORDERED.

DATED: November 17, 2017



WILLIAM H. ORRICK
United States District Judge