

**THE LAW OFFICE OF JACK FITZGERALD, PC**

JACK FITZGERALD (SBN 257370)  
*jack@jackfitzgeraldlaw.com*  
TREVOR M. FLYNN (SBN 253362)  
*trevor@jackfitzgeraldlaw.com*  
MELANIE PERSINGER (SBN 275423)  
*melanie@jackfitzgeraldlaw.com*  
Hillcrest Professional Building  
3636 Fourth Avenue, Suite 202  
San Diego, California 92103  
Phone: (619) 692-3840  
Fax: (619) 362-9555

**SACKS WESTON DIAMOND, LLC**

ANDREW SACKS (*admitted pro hac vice*)  
*asacks@sackslaw.com*  
JOHN WESTON (*admitted pro hac vice*)  
*jweston@sackslaw.com*  
1845 Walnut Street, Suite 1600  
Philadelphia, Pennsylvania 19103  
Phone: (215) 764-3008

*Counsel for Plaintiff and the Proposed Class*

**BAKER BOTTS L.L.P.**

Stuart C. Plunkett (CA State Bar No. 187971)  
*stuart.plunkett@bakerbotts.com*  
Ariel D. House (CA State Bar No. 280477)  
*ariel.house@bakerbotts.com*  
101 California Street, Suite 3600  
San Francisco, California 94111  
Telephone: (415) 291-6200  
Facsimile: (415) 291-6300

Van H. Beckwith (*admitted pro hac vice*)  
*van.beckwith@bakerbotts.com*  
Monica R. Hughes (*pro hac vice to be filed*)  
*monica.hughes@bakerbotts.com*  
Jessica E. Underwood (*admitted pro hac vice*)  
*jessica.underwood@bakerbotts.com*  
2001 Ross Avenue  
Dallas, Texas 75201  
Telephone: (214) 953-6500  
Facsimile: (214) 953-6503

*Attorneys for Defendant  
DR PEPPER/SEVEN UP, INC.*

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

SHANA BECERRA, on behalf of herself, all others  
similarly situated, and the general public,

Plaintiff,

v.

DR PEPPER/SEVEN UP, INC.,

Defendant.

Case No.: 17-cv-5921-WHO

**STIPULATION AND ORDER  
REGARDING BRIEFING SCHEDULE ON DR  
PEPPER'S MOTION TO DISMISS THE  
SECOND AMENDED COMPLAINT**

[N.D. Cal. Civ. L.R. 6-1(b)]

Hon. William H. Orrick

1 Plaintiff Shana Becerra (“Plaintiff”) and Defendant Dr Pepper/Seven Up, Inc. (“Defendant”)  
2 (collectively, “the Parties”) respectfully file this stipulation to adjust the briefing schedule relating to Dr  
3 Pepper’s motion to dismiss, and hereby agree as follows:

4 WHEREAS, on January 16, 2018, Dr Pepper filed a motion to dismiss plaintiff’s Second Amended  
5 Complaint (Dkt. No. 35);

6 WHEREAS, plaintiff’s counsel inadvertently calendared the motion as having been filed on January  
7 17, 2018, and as a result, filed plaintiff’s opposition two weeks later, on January 31, 2018, which was one  
8 day after it was due (Fitzgerald Decl. ¶ 2);

9 WHEREAS, Dr Pepper requested, and plaintiff agreed, that in light of the inadvertent error, the  
10 briefing schedule should be adjusted so as to provide Dr Pepper the full seven (7) days permitted under the  
11 Local Rules to brief a Reply;

12 WHEREAS, a hearing on Dr Pepper’s motion is set for March 28, 2018; and

13 WHEREAS, the parties’ requested continuance will not affect the date of the hearing.

14 IT IS HEREBY STIPULATED that, upon the Court’s approval, Dr Pepper’s deadline to file a Reply  
15 in support of its Motion to Dismiss the Second Amended Complaint shall be continued from February 6, to  
16 February 7, 2018.

17 **IT IS SO STIPULATED AND AGREED.**

18 Dated: February 1, 2018

19 By: /s/ Ariel D. House  
20 BAKER BOTTS L.L.P.  
21 Stuart C. Plunkett  
22 stuart.plunkett@bakerbotts.com  
23 Ariel D. House  
24 ariel.house@bakerbotts.com  
25 101 California Street, Suite 3600  
26 San Francisco, California 94111  
27 Telephone: (415) 291-6200  
28 Facsimile: (415) 291-6300

Van H. Beckwith  
van.beckwith@bakerbotts.com  
Monica R. Hughes

By: /s/ Jack Fitzgerald<sup>1</sup>  
THE LAW OFFICE OF JACK FITZGERALD, PC  
Jack Fitzgerald  
jack@jackfitzgeraldlaw.com  
Trevor M. Flynn  
trevor@jackfitzgeraldlaw.com  
Melanie R. Persinger  
melanie@jackfitzgeraldlaw.com  
Hillcrest Professional Building  
3636 Fourth Avenue, Suite 202  
San Diego, CA 92103  
Telephone: (619) 692-3840  
Facsimile: (619) 362-9555

<sup>1</sup> I, Jack Fitzgerald, hereby attest, pursuant to Civil Local Rule 5-1(i)(3) of the Northern District of California, that the concurrence to the filing of this document has been obtained from each signatory hereto.

1 monica.hughes@bakerbotts.com  
2 Jessica E. Underwood  
3 jessica.underwood@bakerbotts.com  
4 2001 Ross Avenue  
5 Dallas, Texas 75201  
6 Telephone: (214) 953-6500  
7 Facsimile: (214) 953-6503

8  
9 *Attorneys for Defendant*  
10 *Dr Pepper/Seven Up, Inc.*

SACKS WESTON DIAMOND, LLC  
Andrew B. Sacks  
asacks@sacksllaw.com  
John K. Weston  
jweston@sacksllaw.com  
1845 Walnut Street, Suite 1600  
Philadelphia, PA 19103  
Telephone: (215) 764-3008


*Attorneys for Plaintiff Shana Becerra  
and the Putative Class*

11 The Court HEREBY ORDERS as follows:

- 12 1. The deadline for Defendant to file a Reply in support of its Motion to Dismiss the  
13 Second Amended Complaint is continued to February 7, 2018.

14 **IT IS SO ORDERED.**

15 February 2, 2018

16 

17 Honorable William H. Orrick  
18 United States District Judge