

1 Michael F. Ram (SBN 104805)
 2 **MORGAN & MORGAN**
 3 **COMPLEX LITIGATION GROUP**
 4 711 Van Ness Avenue, Suite 500
 5 San Francisco, CA 94102
 6 Telephone: (415) 358-6913
 7 Facsimile: (415) 358-6923
 8 mram@forthepeople.com

9 Charles E. Schaffer (To be admitted *Pro Hac*
 10 *Vice*)
 11 cschaffer@lfsblaw.com
 12 David Magagna (To be admitted *Pro Hac Vice*)
 13 dmagagna@lfsblaw.com
 14 **LEVIN, FISHBEIN, SEDRAN & BERMAN**
 15 510 Walnut Street, Suite 500
 16 Philadelphia, PA 19106
 17 Tel: 215-592-1500
 18 Fax: 215-592-4663

19 Jason P. Sultzer (To be admitted *Pro Hac Vice*)
 20 **THE SULTZER LAW GROUP**
 21 85 Civic Center Plaza
 22 Suite 200
 23 Poughkeepsie, NY 12601
 24 845-483-7100
 25 Email: sultzerj@thesultzerlawgroup.com

26 *Attorneys for Plaintiff, Marisol Baez*

27 Dean N. Panos
 28 **JENNER AND BLOCK LLP**
 353 North Clark Street
 Chicago, IL 60654
 (312) 923-2765
 Email: dpanos@jenner.com

*Attorney for Defendants, The Clorox
 Company and The Burts Bees Products
 Company*

Rachel Lynn Soffin
**MILBERG COLEMAN BRYSON
 PHILLIPS GROSSMAN, PLLC**
 800 S. Gay Street, Suite 1100
 Knoxville, TN 37929
 (865) 247-0080
 Fax: (865) 522-0049
 Email: rsoffin@milberg.com

Jonathan Shub (SBN 237708)
 Kevin Laukaitis (To be admitted *Pro Hac
 Vice*)
SHUB LAW FIRM LLC
 134 Kings Hwy E., 2nd Fl
 Haddonfield, NJ 08033
 T: (856) 772-7200
jshub@shublawyers.com
klaukaitis@shublawyers.com

L. Timothy Fisher (State Bar No. 191626)
BURSOR & FISHER, P.A.
 1990 North California Boulevard, Suite 940
 Walnut Creek, CA 94596
 T: (925) 300-4455
 F: (925) 407-2700
 ltfisher@bursor.com

Kim E. Richman (To be admitted *Pro Hac
 Vice*)
RICHMAN LAW & POLICY
 1 Bridge St., Suite 83
 Irvington, NY 10533
 Tel: 914-693-2018
krichman@richmanlawpolicy.com

*Attorney for Plaintiffs, Daniela Gruen, Laura
 Harman, Tracy Barrett, Marilyn Moore-Buice
 and Caroline Spindel*

1
2 **THE UNITED STATES DISTRICT COURT**
3 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
4 **SAN FRANCISCO DIVISION**

5
6 TRACY BARRETT, DANIELA GRUEN,
7 LAURA HARMAN, MARILYN
8 MOOREBUICE, AND CAROLINE
9 SPINDEL, INDIVIDUALLY AND ON
10 BEHALF OF ALL OTHERS SIMILARLY
11 SITUATED, on behalf of themselves and all
12 others similarly situated,

13
14 Plaintiff,

15 v.

16 BURT'S BEES, INC., THE CLOROX
17 COMPANY and THE BURT'S BEES
18 PRODUCTS COMPANY,
19 Defendants.

Case No. 3:22-cv-00935-RS

Hon. Richard Seeborg

20
21 MARISOL BAEZ, individually on behalf of
22 herself and all others similarly situated,

23 Plaintiff,

24 v.

25 THE CLOROX COMPANY and THE
26 BURT'S BEES PRODUCTS COMPANY,

27 Defendants.

Case No.: 3:22-cv-05218-RS

**STIPULATION AND ORDER
REGARDING BRIEFING SCHEDULE
FOR RULE 23(g) MOTION TO
APPOINT INTERIM CLASS COUNSEL
AND PLEADING DEADLINES.**

28 STIPULATION TO MODIFY
BRIEFING SCHEDULE

No. 3:22-cv-00935-RS

1 The parties to the above captioned cases stipulate as follows:

2 WHEREAS, a putative class action filed by Daniella Gruen, styled *Gruen v. the Clorox*
3 *Company*, No. 3:22-cv-00935-RS, was filed on February 15, 2022, before this Honorable Court.

4 WHEREAS, a consolidated complaint was filed by Tracy Barrett, Daniela Gruen, Laura
5 Harman, Marilyn Moore-Buice, and Caroline Spindel, also styled *Gruen v. the Clorox Company*,
6 No. 3:22-cv-00935-RS, on July 27, 2022, before this Honorable Court. Defendants' deadline to
7 respond to the consolidated *Gruen* complaint is October 12, 2022.

8 WHEREAS, a putative class action filed by Marisol Baez in the United States District
9 Court for the Eastern District of New York, styled *Baez v. The Clorox Co. et al.*, No. 1:22-cv-
10 03990-PKC- RML, on July 7, 2022 has been transferred to the Northern District of California.
11 Defendants' deadline to respond to the *Baez* complaint is October 3, 2022.

12 WHEREAS, *Baez* and *Gruen* both involve allegations of potential consumer exposure to
13 PFAS, have nearly the same defendants, and similar claims.

14 WHEREAS, *Baez* names "The Clorox Company and The Burt's Bees Products Company"
15 as defendants (*Baez* ECF No. 1), *Gruen* names "Burt's Bees, Inc., The Clorox Company, and The
16 Burt's Bees Products Company" as defendants *Gruen* (ECF No. 26).

17 WHEREAS, *Gruen* brings claims on behalf of a Nationwide class of consumers who
18 purchased the Products anywhere in the United States, as well State classes on behalf of consumers
19 who purchased the Products in California, Georgia, Michigan, New Jersey and New York.

20 WHEREAS, *Baez* defines the Nationwide class "as all consumers who purchased the
21 Products anywhere in the United States during the Class Period" (ECF No. 1 at ¶98).

22 WHEREAS, both cases assert violations of state consumer protection laws, as well as
23 breach of express warranty, fraud/fraudulent concealment, and unjust enrichment; and

24 WHEREAS, on September 14, 2022, Magistrate Judge Kim, to whom Baez was initially
25 assigned in this District, referred the case to Judge Seeborg to decide whether it is related to *Gruen*;

26 WHEREAS, on September 14, 2022, Judge Seeborg determined that *Baez* is related to
27 *Gruen* (ECF No. 49) and *Baez* has been reassigned to this Court;

1 WHEREAS, on September 2, 2022, counsel in the *Gruen* action filed a Motion for
2 Appointment of Interim Class Counsel pursuant to Rule 23(g) of the Federal Rules of Civil
3 Procedure (ECF No. 38), Defendants' response to this Motion is currently due on September 16,
4 2022, and *Gruen* Counsel's reply is currently due on September 23, 2022.

5 WHEREAS, counsel in the *Baez* matter intend to file a separate Motion for Appointment
6 of Interim Class Counsel pursuant to Rule 23(g) of the Federal Rules of Civil Procedure.

7 WHEREAS, the counsel for Defendants, as well as counsel in the *Gruen* and *Baez* matters
8 have met and conferred and stipulated to the following coordinated briefing schedule for their
9 Motions for Appointment of Interim Class Counsel pursuant to Rule 23(g) of the Federal Rules of
10 Civil Procedure:

Date	Event
October 3, 2022	Deadline for <i>Baez</i> Counsel to file their Motion for Appointment of Interim Class Counsel
October 17, 2022	Deadline for Defendants to respond to the <i>Gruen</i> and <i>Baez</i> Motions for Appointment of Interim Class Counsel.
October 24, 2022	Deadline for <i>Gruen</i> and <i>Baez</i> counsel to file replies in support of their Motions for Appointment of Interim Class Counsel.

19
20 WHEREAS, the parties agree that in the interest of efficiency and to preserve the parties'
21 and the Court's resources, Defendants' responsive pleading deadline should be continued until the
22 Court has ruled on the Motions for Appointment of Interim Class Counsel and determined whether
23 the cases should be consolidated.

24 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED between the parties
25 that, the deadline for *Baez* counsel to file a Motion to Appoint Interim Class Counsel in the
26 consolidated cases shall be October 3, 2022, the deadline for Defendants to respond to the *Gruen*
27

1 and *Baez* Motions for Appointment of Interim Class Counsel shall be October 17, 2022, and the
2 deadline for *Gruen* and *Baez* Counsel to file their replies in support of their Motions for
3 Appointment of Interim Class Counsel shall be October 24, 2022. Further, Defendants' deadline
4 to respond to the *Gruen* and *Baez* complaints shall be continued to fourteen (14) days after the
5 Court's decision on the Motions for Appointment of Interim Class Counsel, or alternatively thirty
6 (30) days after the filing of a further consolidated amended complaint should the Court order the
7 *Gruen* and *Baez* cases consolidated in connection with its decision on the Motions for Appointment
8 of Interim Class Counsel.

9
10
11 Dated: September 14, 2022

MORGAN & MORGAN COMPLEX
LITIGATION GROUP

12
13
14 By: /s/ Michael F. Ram
 Michael F. Ram

15 Attorneys for Plaintiff, Marisol Baez

16 Dated: September 14, 2022

MILBERG COLEMAN BRYSON PHILLIPS
GROSSMAN, PLLC

17
18
19 By: /s/ Rachel Lynn Soffin
 Rachel Lynn Soffin

20 Attorney for Plaintiffs, Daniela Gruen, Laura
21 Harman, Tracy Barrett, Marilyn Moore-Buice
22 and Caroline Spindel

23 Dated: September 14, 2022

JENNER & BLOCK, LLP

24
25 By: /s/ Dean N. Panos
 Dean N. Panos

26 Attorney for Defendants, The Clorox Company
27 and The Burt's Bees Products Company

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ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: September 16, 2022



Honorable Richard Seeborg
United States District Judge