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 15 GENERAL NUTRITION CORPORATION

16 UNITED STATES DISTRICT COURT  
 17 NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

18  
 19 GRADY JACKSON and KELLEY  
 ALEXANDER, in their representative capacity  
 20 pursuant to Cal. Bus. & Prof. Code §§17203,  
 17535 and Cal. Code Civ. Pro. §§ 382, 1021.5,

21 Plaintiffs,

22 vs.

23 BALANCED HEALTH PRODUCTS, INC., a  
 24 Delaware Corporation, NIKKI HASKELL, an  
 individual, GENERAL NUTRITION  
 25 CORPORATION, a Pennsylvania Corporation;  
 VITAMIN SHOPPE INDUSTRIES, Inc., a New  
 26 York Corporation,

27 Defendants.

Case No. C 08-05584-CW

**STIPULATION AND ORDER TO  
 CONTINUE HEARING DATE ON  
 MOTION OF DEFENDANTS VITAMIN  
 SHOPPE INDUSTRIES, INC. AND  
 GENERAL NUTRITION  
 CORPORATION TO DISMISS FIRST  
AMENDED COMPLAINT**

1 IT IS HEREBY STIPULATED AND AGREED by and between Plaintiffs Grady  
2 Jackson and Kelley Alexander (“Plaintiffs”) and Defendants Balanced Health Products, Inc.  
3 (“BHP”), Nikki Haskell, General Nutrition Corporation (“GNC”), and The Vitamin Shoppe  
4 Industries, Inc. (“Vitamin Shoppe”), through their respective counsel, as follows:

5 1. On March 31, 2009, Vitamin Shoppe and GNC filed a Motion to Dismiss  
6 Plaintiffs’ First Amended Complaint. The hearing on that motion is currently set for May  
7 14, 2009.

8 2. On April 14, 2009, Nikki Haskell filed a Motion to Dismiss Plaintiffs’ First  
9 Amended Complaint. The hearing on that motion is currently set for June 4, 2009.

10 3. On April 15, 2009, BHP and Nikki Haskell joined in the Motion of Vitamin  
11 Shoppe and GNC to Dismiss Plaintiffs’ First Amended Complaint.

12 4. In the interest of efficiency, the parties respectfully request that the hearings  
13 on the pending motions be consolidated and that the hearing on the Motion of Vitamin  
14 Shoppe and GNC to Dismiss Plaintiffs’ First Amended Complaint therefore be continued to  
15 June 4, 2009. Any dates for Opposition and Reply shall be calculated according to June 4,  
16 2009, and not the original date of hearing.

17 Dated: April 16, 2009

18 PINNACLE LAW GROUP, LLP  
19 By: /s/ Eric Farber  
Eric J. Farber  
20 Attorneys for Plaintiffs  
GRADY JACKSON and KELLEY  
21 ALEXANDER

HOLME, ROBERTS & OWEN LLP  
By: /s/ Katherine Keating  
Roger R. Myers  
Adam Brezine  
Katherine Keating  
Attorneys for Defendant  
VITAMIN SHOPPE INDUSTRIES, INC.

22 By: /s/ David Gernsbacher  
David Gernsbacher  
23 Attorney for Defendants  
BALANCED HEALTH PRODUCTS, INC.  
24 and NIKKI HASKELL

MCGUIRE WOODS LLP  
By: /s/ Sidney Kanazawa  
Sidney K. Kanazawa  
Attorneys for Defendant  
GENERAL NUTRITION  
25 CORPORATION

26 PURSUANT TO STIPULATION, IT IS SO ORDERED:

27 4/21/09

28 Dated: \_\_\_\_\_



United States District Judge

1 ATTESTATION OF CONCURRENCE IN FILING

2 Pursuant to N.D. Cal. General Order No. 45, section 45 X(B), Katherine Keating hereby  
3 attests that concurrence in the filing of this stipulation and proposed order has been obtained from  
4 Counsel for the non-filing parties.

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6 HOLME ROBERTS & OWEN LLP

7 By: /s/ Katherine Keating  
8 Katherine Keating

9 Attorneys for Vitamin Shoppe Industries, Inc.  
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