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

19 MATTHEW EDWARDS, et al., individually
 and on behalf of all others similarly situated,

20 Plaintiffs,

21 v.

22 NATIONAL MILK PRODUCERS
 23 FEDERATION, aka COOPERATIVES
 WORKING TOGETHER; DAIRY FARMERS
 24 OF AMERICA, INC.; LAND O'LAKES, INC.;
 DAIRYLEA COOPERATIVE INC.; and
 25 AGRI-MARK, INC.,

26 Defendants.

Case No. 11-CV-04766-JSW

[consolidated with 11-CV-04791-JSW
 and 11-CV-05253-JSW]

**JOINT CASE MANAGEMENT
 STATEMENT; STIPULATION AND
 [PROPOSED] ORDER CONTINUING
 CASE MANAGEMENT
 CONFERENCE**

Date: June 3, 2016
 Time: 11:00 a.m.
 Dept.: Courtroom 5
 Judge: Hon. Jeffrey S. White

1 Pursuant to Civil Local Rule 16-10(d), Plaintiffs and Defendants National Milk Producers
2 Federation; Dairy Farmers of America, Inc.; Land O'Lakes, Inc.; Dairylea Cooperative Inc.; and
3 Agri-Mark, Inc., (collectively, the "Parties") jointly submit the following case management
4 statement for purposes of "reporting progress or changes since the last statement was filed and
5 making proposals for the remainder of the case development process" per Civil Local Rule 16-
6 10(d). As also required by that rule, the statement "report[s] the parties' views about whether using
7 some form of ADR would be appropriate."

8 **1. MOTIONS**

9 Since the joint statement submitted on October 3, 2014, Plaintiffs filed a motion for
10 summary adjudication, and Defendants filed a motion for decertification, a Daubert motion to
11 exclude Plaintiffs' expert, and a motion for summary judgment. These motions were set for
12 hearing before the Court on March 4, 2016; the Court has not yet ruled. There have also been
13 various other administrative motions. There have been no additional motions filed since the last
14 joint statement filed on April 8, 2016.

15 **2. DISCOVERY**

16 Discovery has closed.

17 **3. RELATED CASES**

18 There are no pending related cases in the U.S. District Court for the Northern District of
19 California. Three related actions are pending in the U.S. District Court for the Southern District of
20 Illinois, *First Impressions Salon v. National Milk Producers Federation, et al.* (Case No. 3:13-cv-
21 00454), *Belle Foods Trust, et al. v. National Milk Producers Federation, et al.* (Case No. 3:14-cv-
22 01014), and *Piggly Wiggly Midwest, LLC et al. v. National Milk Producers Federation, et al.*
23 (3:15-cv-00750). Each is a purported class action brought by a purported direct purchaser of milk
24 products. The three cases have been consolidated under *First Impressions*. Another direct
25 purchaser case has been brought in the U.S. District Court for the Middle District of Florida, *Winn-
26 Dixie and Bi-Lo Holdings, LLC v. Southeast Milk, Inc., et al.* (Case No. 3:15-cv-01143). There is
27 also one related state court action, *Kristie Tessandori v. Dairy Farmers of America, Inc.*, Case No.
28 1216-CV-13257 (Mo. Cir. Ct., Jackson Cnty.), which has settled.

1 **4. SETTLEMENT AND ADR**

2 The parties participated in mediation on January 16, 2015, before the Hon. Layn R. Phillips,
3 but were unable to resolve the case at that time. The parties recently had another mediation session
4 before the Hon. Layn R. Phillips on May 16, 2016. The mediation did not result in an agreement.
5 The parties are continuing to discuss resolution, however, and will conclude their discussions by
6 June 9, 2016. The parties will notify the Court on or before June 10, 2016, whether resolution has
7 been reached. Accordingly, the parties propose that the status conference set for June 3, 2016, be
8 continued to June 17, 2016, with a further joint status conference report due by June 10, 2016.

9 **5. PLAINTIFFS' PROPOSED SCHEDULE**

10 Motions in limine served	4 weeks after Court's rulings
11 Oppositions to motions to limine served	6 weeks after Court's rulings
12 Motions in limine and oppositions filed	7 weeks after Court's ruling
13 Joint Proposed Final Pretrial Order	7 weeks after Court's ruling
14 Pre-trial Conference	9 weeks after Court's ruling
15 Trial	10 weeks after Court's ruling

16 **6. DEFENDANTS' PROPOSED SCHEDULE**

17 Hearing of Dispositive Motions	To be determined by the Court
18 Pretrial Conference	90 days after the Court rules on dispositive motions, or as 19 otherwise determined by the Court
20 Trial	120 days after the Court rules on dispositive motions, or as 21 otherwise determined by the 22 Court

23 **7. TRIAL**

24 Plaintiffs have requested a jury trial. The parties expect the trial to last approximately three
25 to four weeks. This expectation could be affected by the Court's rulings on pending motions.
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1 **[PROPOSED] ORDER**

2 Based on the stipulation of the parties, it is hereby ordered that the status conference set for
3 June 3, 2016, is continued to June 17, 2016, with a further joint status conference report due by
4 June 10, 2016.

5 **IT IS SO ORDERED**

6 Dated: May 27, 2016


7 Hon. Jeffrey S. White
8 UNITED STATES DISTRICT JUDGE

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