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7 Attorneys for Defendant
 DEL MONTE FOODS, INC.

10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA
 12 OAKLAND DIVISION

14 MICHAEL KOSTA and STEVE BATES,
 individuals, on their own behalf and on behalf of
 15 all others similarly situated,

16 Plaintiffs,

17 v.

18 DEL MONTE FOODS, INC.,

19 Defendant.

Case No. C12-01722 YGR

CLASS ACTION
ORDER GRANTING
STIPULATION ~~AND~~
~~[PROPOSED] ORDER~~
CONTINUING MEDIATION
DEADLINE

[CIVIL L.R. 6-1]

Judge: Hon. Yvonne Gonzalez Rogers
 Action Filed: April 5, 2012

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 STIPULATION CONTINUING MEDIATION
 CASE No. C12-01722 YGR
 sf-3442760

1 Pursuant to Civil Local Rule 6-1, Plaintiffs MICHAEL KOSTA and STEVE BATES,
2 (“Plaintiffs”) and Defendant DEL MONTE FOODS, INC. (“Defendant” or “Del Monte”) through
3 their undersigned counsel, hereby stipulate as follows:

4 WHEREAS, this action was filed in this Court on April 5, 2012, an Amended Complaint
5 was filed on July 6, 2012, a Consolidated Complaint was filed on June 11, 2013, and Defendant
6 answered the Consolidated Complaint on June 28, 2013;

7 WHEREAS, Plaintiffs filed their Motion for Class Certification on June 2, 2014, Del
8 Monte filed its Opposition to Class Certification on July 1, 2014, Plaintiffs filed their Reply in
9 Support of Class Certification on July 29, 2014, and the hearing on the Motion for Class
10 Certification will occur on August 19, 2014;

11 WHEREAS, the mediation deadline is currently September 2, 2014. When the Court set
12 that deadline, the hearing on class certification was scheduled to occur on July 22, 2014. Since
13 then, the briefing schedule was revised allowing additional time for Plaintiffs to file their motion
14 for class certification and additional time to file their reply brief;

15 WHEREAS, as previously represented to the Court, counsel for Defendant and counsel
16 for Plaintiffs participated in a mediation on December 18, 2013, for one of Plaintiffs’ counsel’s
17 similar food labeling cases, *Brazil v. Dole Packaged Foods, LLC*, No. 12-cv-01831-LHK (N.D.
18 Cal.). The mediation was not productive, due in large part to the many unresolved legal issues in
19 the case. As in this case, there were no rulings on class certification or summary judgment in
20 *Brazil*. The parties, as well as the mediator Sue Stott, agreed that postponement of future
21 mediations in these cases would be beneficial. Indeed, Ms. Stott sent an email to Howard
22 Herman, the Court’s ADR Chief, explaining her concerns with mediating the cases at this stage.
23 The ADR department leaders expressed a desire to help the parties by moving deadlines where
24 postponement would be useful;

25 WHEREAS, without rulings on the key issues in this case, the parties believe that they
26 cannot effectively engage in mediation. They believe that mediation at this time would be as
27 futile as the *Brazil* mediation. They jointly request that the meditation deadline be extended so
28 that the parties can benefit from the resolution of Plaintiffs’ Motion for Class Certification;

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IT IS HEREBY STIPULATED AND AGREED by the parties, through their counsel,
subject to the approval of the Court, that the mediation deadline is postponed until 90 days after
the Court rules on class certification.

Dated: July 30, 2014

WILLIAM L. STERN
CLAUDIA M. VETESI
LISA A. WONGCHENKO
MORRISON & FOERSTER LLP

By: /s/ William L. Stern
WILLIAM L. STERN

Attorneys for Defendant
DEL MONTE FOODS, INC.

Dated: July 30, 2014

BEN F. PIERCE GORE
PRATT & ASSOCIATES
1871 The Alameda, Suite 425
San Jose, CA 95126

By: /s/ Ben F. Pierce Gore
BEN F. PIERCE GORE

Attorney for Plaintiffs

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ECF ATTESTATION

I, William L. Stern, am the ECF User whose ID and password are being used to file the following: **STIPULATION CONTINUING MEDIATION DEADLINE**. In compliance with Civil Local Rule 5-1(i), I hereby attest that Ben F. Pierce Gore has concurred in this filing.

Dated: July 30, 2014

WILLIAM L. STERN
CLAUDIA M. VETESI
LISA A. WONGCHENKO
MORRISON & FOERSTER LLP

By: /s/ William L. Stern
WILLIAM L. STERN

~~PROPOSED~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: August 1, 2014


YVONNE GONZALEZ ROGERS
United States District Judge