

1
2
3
4
5
6
7
8
9

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ROBIN REESE, individually and on behalf of
all others similarly situated,

Plaintiff,

v.

ODWALLA, INC. AND THE COCA-COLA CO.,

Defendants.

Case No.: 13-CV-947 YGR

**ORDER DIRECTING PARTIES TO FILE
SUPPLEMENTAL BRIEFING AND SETTING
HEARING ON REQUEST TO LIFT STAY AND
RENEW CONSIDERATION OF MOTION TO
DISMISS; VACATING MAY 8, 2015
COMPLIANCE HEARING**

10 The parties have filed their Joint Statement In Advance of Compliance Hearing (Dkt. No.
11 67) setting forth their positions on the propriety of a continued stay awaiting agency action from the
12 U.S. Food and Drug Administration (“FDA”) action concerning use of the term “evaporated cane
13 juice,” or “ECJ.” The Court has considered the parties’ statement and **ORDERS** as follows:

14 Defendants Odwalla, Inc. and the Coca-Cola Company (“Defendants”) shall file a
15 supplemental brief of no more than 10 pages no later than **May 20, 2015**, addressing: (a) whether
16 the stay should be lifted as requested by Plaintiffs, particularly in light of the Ninth Circuit’s recent
17 decision in *Reid v. Johnson & Johnson*, 780 F.3d 952 (9th Cir. 2015); and (2) any new factual and
18 legal developments pertinent to Defendants’ preemption argument in its prior motion to dismiss.
19 Plaintiffs shall file a responsive brief of no more than 10 pages no later than **June 3, 2015**.

20 The parties need not repeat any arguments made in their May 1, 2015 filing (Dkt. No. 67),
21 or any arguments made in their prior briefing on Defendants’ Motion to Dismiss (Dkt. No. 28), and
22 the opposition and reply thereto (Dkt. Nos. 36, 42).

23 The Court sets a hearing date on the request to lift the stay and the motion to dismiss for
24 **June 16, 2015, at 2:00 p.m.** The compliance hearing currently set for Friday, May 8, 2015 is
25 **VACATED.**

26 **IT IS SO ORDERED.**

27 Date: May 6, 2015

28


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE