

1 SCHIFF HARDIN LLP
 Jeffrey R. Williams (Bar No. 84156)
 2 jrwilliams@schiffhardin.com
 Rocky N. Unruh (Bar No. Bar No. 84049)
 3 runruh@schiffhardin.com
 Sarah D. Youngblood (Bar No. 244304)
 4 syoungblood@schiffhardin.com
 One Market, Spear Street Tower
 5 Thirty-Second Floor
 San Francisco, CA 94105
 6 Telephone: (415) 901-8700
 Facsimile: (415) 901-8701
 7

8 Attorneys for Defendants
 UNILEVER UNITED STATES, INC. and
 CONOPCO, INC. d/b/a UNILEVER HOME &
 9 PERSONAL CARE USA

10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA
 12 SAN FRANCISCO DIVISION
 13

14 JOSEPHINE WELLS and CATHERINE
 15 RENY, on Behalf of Themselves and All
 Others Similarly Situated,

16 Plaintiffs,

17 v.

18 UNILEVER UNITED STATES, INC.,
 19 LEK INC., and CONOPCO, INC. d/b/a
 UNILEVER HOME & PERSONAL
 20 CARE USA,

21 Defendants.

Case No. 3:13-CV-04749-EDL

**STIPULATION AND ~~PROPOSED~~
 ORDER STAYING PROCEEDINGS FOR
 PURPOSES OF MEDIATION**

Local Rules 7-1(5) and 7-12

22
 23 Pursuant to Civil L.R. 7-1(5) and 7-12, plaintiffs Josephine Wells and Catherine Reny
 24 (“Plaintiffs”) and defendants Unilever United States, Inc. and Conopco, Inc. (“Unilever”), by
 25 their respective counsel, stipulate and agree as follows:¹

26
 27
 28 ¹ Defendant LEK, Inc. has not yet been served with process, and is therefore not an “affected party” whose signature is required under Civil L.R. 7-12.

1 1. Plaintiffs in this case assert a variety of claims relating to a hair care product, the
2 Suave Professionals Keratin Infusion 30 Day Smoothing Kit (the “Product”). Plaintiffs’
3 Complaint (Dkt. # 1) asserts claims for breach of warranty, violation of consumer protection
4 statutes, false advertising, unjust enrichment, strict product liability and negligence/gross
5 negligence on behalf of (a) a putative class consisting of all persons who purchased the Product in
6 any state other than Alabama, Illinois, Kentucky, Nevada and Wisconsin or, in the alternative, (b)
7 all persons who purchased the Product in the state of California. Plaintiffs’ counsel have also
8 filed two other putative class actions – *Reid v. Unilever United States, Inc.*, N.D. Ill. Case No. 12-
9 cv-6058, and *Naiser v. Unilever United States, Inc.*, W.D. Ky. Case No. 13-cv-395 – alleging
10 virtually identical claims on behalf of residents of all states other than Kentucky.

11 2. Shortly after the *Reid* case was filed, Plaintiffs’ counsel and counsel for Unilever
12 attempted to resolve the case by mediation with former federal judge Wayne Anderson. Although
13 that initial effort was unsuccessful, Unilever has successfully resolved 127 claims brought by
14 individuals, including former class representative in the *Reid* case Angel Lake. Plaintiffs’ counsel
15 and counsel for Unilever have also continued to work with the mediator to try to resolve the
16 putative class actions.

17 3. At the suggestion of the mediator, Unilever and the *Reid* plaintiffs jointly sought a
18 60-day stay of proceedings in the *Reid* case in order to allow Plaintiffs and Unilever to devote
19 their full resources to intensive, good faith efforts to working with the mediator and each other to
20 resolve these related putative class actions, and to avoid the burden and expense of discovery and
21 motions while they do so.² See *Reid*, N.D. Ill. Case No. 12-cv-6058, Dkt. # 79. The *Reid* parties
22 also committed to seek a stay of this case and the *Naiser* case pending in the Western District of
23 Kentucky for the same period of time.

24 4. On November 5, 2013, the judge presiding over the *Reid* case (Chief Judge Ruben
25 Castillo) granted the joint motion and entered an order staying proceedings in the *Reid* case for
26 sixty days, until January 6, 2014. *Reid*, N.D. Ill. Case No. 12-cv-6058, Dkt. # 81.

27 _____
28 ² LEK, Inc. is named as a defendant in the *Reid* case, but did not join the motion to stay because it
had not yet been served with process at the time the joint motion was filed.

1 5. Accordingly, subject to the approval of the Court, Plaintiffs and Unilever
2 (collectively, the “Parties”) have stipulated to a stay of all proceedings in this matter, including all
3 discovery, until January 6, 2014, and to defer all deadlines set forth in the Court’s October 16,
4 2013 Order Setting Initial Case Management Conference and ADR Deadlines (Dkt. # 4). At the
5 end of the stay period, if the case has not been resolved, the Parties will promptly report to the
6 Court so that the Court may enter a new scheduling order and determine whether to reset the Case
7 Management Conference that is currently scheduled for January 23, 2014 at 2:45 p.m.

8 6. The Parties have agreed that the statutes of limitations applicable to any claims
9 relating to the Product of any persons who purchased the Product in the United States from the
10 date in 2011 that it was first made available to consumers through the present will be tolled
11 during the pendency of the requested stay period.

12 IT IS THEREFORE STIPULATED AND AGREED and the Parties respectfully request
13 through this application that the Court enter an order staying all proceedings in this matter,
14 including all discovery, until January 6, 2014, and deferring all deadlines set forth in the Court’s
15 October 16, 2013 Order Setting Initial Case Management Conference and ADR Deadlines
16 (Dkt. # 4).

17 Dated: November 25, 2013

SCHIFF HARDIN LLP

19 By: /s/ Jeffrey R. Williams

20 Jeffrey R. Williams
jwilliams@schiffhardin.com
21 Rocky N. Unruh
runruh@schiffhardin.com
22 Sarah D. Youngblood
syounblood@schiffhardin.com
23 One Market
Spear Street Tower, Thirty-Second Floor
24 San Francisco, CA 94105
(415) 901-8700

25 COUNSEL FOR DEFENDANTS
26 UNILEVER UNITED STATES, INC.
27 AND CONOPCO, INC.
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated: November 25, 2013

THE MEDHI LAW FIRM, P.C.

By: /s/ Azra Z. Mehdi
Azra Z. Mehdi
azram@themehdifirm.com
One Market
Spear Tower, Suite 3600
San Francisco, CA 94105
(415) 293-8039

COUNSEL FOR PLAINTIFFS

I attest and certify that I received permission from plaintiffs’ counsel before e-filing this document and will retain proof of this permission.

Dated: November 25, 2013

SCHIFF HARDIN LLP

By: /s/ Jeffrey R. Williams
Jeffrey R. Williams
jwilliams@schiffhardin.com
Rocky N. Unruh
runruh@schiffhardin.com
Sarah D. Youngblood
syoungblood@schiffhardin.com
One Market
Spear Street Tower, Thirty-Second Floor
San Francisco, CA 94105
(415) 901-8700

COUNSEL FOR DEFENDANTS
UNILEVER UNITED STATES, INC.
AND CONOPCO, INC.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**PURSUANT TO STIPULATION AND GOOD CAUSE APPEARING, THE
COURT ENTERS THE FOLLOWING ORDER:**

All proceedings in this matter, including all discovery, are hereby stayed until January 6, 2014, and all deadlines set forth in the Court's October 16, 2013 Order Setting Initial Case Management Conference and ADR Deadlines (Dkt. # 4) are hereby deferred. At the end of the stay period, if the case has not been resolved, the Parties will promptly report to the Court so that the Court may enter a new scheduling order and determine whether to reset the Case Management Conference that is currently scheduled for January 23, 2014 at 2:45 p.m.

Dated: November 26, 2013


SAUNDRA BROWN ARMSTRONG
UNITED STATES DISTRICT JUDGE