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5 Attorneys for Defendants  
 Santa Fe Natural Tobacco Company  
 6 and Reynolds American Inc.

7  
 8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA  
 10 OAKLAND DIVISION

12 RUSSELL BRATTAIN, individually and on  
 behalf of all others similarly situated,

13 Plaintiffs,

14 v.

15 SANTA FE NATURAL TOBACCO  
 16 COMPANY, INC., REYNOLDS  
 AMERICAN, INC., and DOES 1 through 59,

17 Defendants.

Case No. 4:15-cv-04705-JSW

Judge Jeffrey S. White

**STIPULATED REQUEST AND  
 [PROPOSED] ORDER FOR  
 BRIEFING SCHEDULE ON  
 DEFENDANTS' MOTION TO  
 DISMISS**

18 Complaint Filed October 9, 2015  
 19 No Trial Date Assigned

20 **STIPULATED REQUEST FOR BRIEFING SCHEDULE**

21 On October 12, 2015, Plaintiff served a 111-paragraph class-action Complaint against  
 22 Sante Fe Natural Tobacco Company, Inc. and Reynolds American, Inc. ("Defendants"), alleging  
 23 five causes of action challenging Defendants' use of terms "100% additive-free," "natural" and/or  
 24 "organic" in the marketing of American Spirits cigarettes. Plaintiff seeks to represent a class of  
 25 all persons in the State of California who purchased American Spirits.

26 On December 14, 2015, Defendants moved to dismiss the Complaint in its entirety on the  
 27 grounds (among others) that it fails to state a claim upon which relief may be granted and each  
 28 cause of action is preempted by federal law. Under the local rules, Plaintiff's opposition is due

Stipulated Req. For Briefing Schedule  
 Case No. 4:15-cv-04705-JSW

1 fourteen days later on December 28, 2015, and Defendants' reply is due seven days after  
2 Plaintiff's opposition on January 4, 2016.

3 In light of the holidays and the issues to be briefed, including federal preemption, the  
4 parties agree that Plaintiff be allowed an additional fourteen days to file his opposition and  
5 Defendants be allowed an additional seven days to file their reply.

6 NOW THEREFORE the parties hereby agree, stipulate, and request that the Court enter  
7 the following briefing schedule:

8 Plaintiff's opposition is due January 13, 2016; and

9 Defendants' reply in support of their motion to dismiss is due by January 27, 2016.

10  
11 **IT IS SO STIPULATED.**

12 Dated: December 15, 2015

JONES DAY

13  
14 By: /S/ David C. Kiernan  
15 David C. Kiernan

16 Attorneys for Defendants  
17 Santa Fe Natural Tobacco Company and  
Reynolds American Inc.

18 Dated: December 15, 2015

EGGNATZ, LOPATIN & PASCUCCI, LLP

19  
20 By: /S/ Benjamin M. Lopatin  
21 Benjamin M. Lopatin

22 2201 Market Street, Suite H  
23 San Francisco, California 94114  
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24 Attorneys for Plaintiff  
25 Russell Brattain

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**IT IS SO ORDERED.**

DATED: December 15, 2015

  
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THE HONORABLE JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE

Pursuant to L.R. 5-1(i), I attest that the concurrence in the filing of this document has been obtained from Benjamin M. Lopatin which shall serve in lieu of his signature.

By: /s/ David C. Kiernan  
David C. Kiernan

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