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12 Attorneys for Defendant
 ENERGIZER HOLDINGS, INC.

13 *[Additional Attorneys Listed In Signature Block]*

14 UNITED STATES DISTRICT COURT
 15 NORTHERN DISTRICT OF CALIFORNIA
 16 OAKLAND DIVISION
 17

18 DON COPELAND, JOSEPH MURRAY,
 19 CAROL SMITH, PATRICK WHITNEY,
 PHILLIP HAGUE, DENISE FOTIS,
 20 ROXANN DORIOTT, BRUCE MIMS,
 LORI ABLY, TIMOTHY BROWN,
 21 PETER COSTAS, AND MIKE BALLARD,
 on behalf of themselves and those similarly
 22 situated,

23 Plaintiffs,

24 v.

25 ENERGIZER HOLDINGS, INC.; AND
 26 WAL-MART, INC.,

27 Defendants.

CASE NO. 4:23-CV-02087-HSG

**STIPULATION AND ORDER
 REGARDING BRIEFING SCHEDULE**

28 *[Caption Continues on Following Page]*

1 PORTABLE POWER, INC., on behalf of itself
and those similarly situated,

2 Plaintiffs,

3 v.

4 ENERGIZER HOLDINGS, INC.; AND
5 WAL-MART, INC.,

6 Defendants.

CASE NO. 4:23-CV-02091-HSG

7 KIMBERLY SCHUMAN and KYLE KELLEY,
8 on behalf of themselves and those similarly
situated,

9 Plaintiffs,

10 v.

11 ENERGIZER HOLDINGS, INC.; AND
12 WAL-MART, INC.,

13 Defendants.

CASE NO. 4:23-CV-02093-HSG

1 Pursuant to Civil Local Rule 7-12, Plaintiffs Don Copeland, Joseph Murray, Carol Smith,
2 Patrick Whitney, Phillip Hague, Denise Fotis, Roxann Doriott, Bruce Mims, Lori Ably, Timothy
3 Brown, Peter Costas, and Mike Ballard, on behalf of themselves and those similarly situated (the
4 “*Copeland* Plaintiffs”), Portable Power, Inc., on behalf of itself and those similarly situated (“Portable
5 Power”), and Kimberly Schuman and Kyle Kelley, on behalf of themselves and those similarly situated
6 (the “Schuman Plaintiffs” and together with the *Copeland* Plaintiffs and Portable Power, “Plaintiffs”),
7 Defendant Energizer Holdings, Inc. (“Energizer”), and Defendant Walmart Inc. (“Walmart” and
8 together with Energizer, “Defendants”), by and through their undersigned counsel of record, hereby
9 stipulate as follows:

10 WHEREAS, Plaintiffs filed their complaints against Defendants on April 28, 2023;¹

11 WHEREAS, the Court granted Plaintiffs’ Joint Administrative Motion to Consider Whether
12 Cases Should Be Related on May 23, 2023;²

13 WHEREAS, Case Nos. 23-CV-02091 and 23-CV-02093 were reassigned to this Court on May
14 23, 2023;³

15 WHEREAS, the parties previously stipulated pursuant to Civil Local Rule 6-1(a) to extend the
16 deadline for Defendants to respond to the complaints in each of the above-captioned actions to July 31,
17 2023;⁴

18 WHEREAS, Defendants intend to move to dismiss all three complaints;

19 WHEREAS, the parties have conferred and agreed, in the interest of efficiency and judicial
20 economy and subject to the Court’s approval, that Defendants will file a single joint motion to dismiss
21 all three complaints (“Motion to Dismiss”), followed by a single joint opposition brief by Plaintiffs and
22 a single joint reply brief by Defendants;

23
24
25 _____
26 ¹ Case Nos. 23-CV-02087, ECF No. 1; 23-CV-02091, ECF No. 1; 23-CV-02093, ECF No. 1.

27 ² Case No. 23-CV-02087, ECF No. 22.

28 ³ Case Nos. 23-CV-02091, ECF No. 12; 23-CV-02093, ECF No. 16.

⁴ Case Nos. 23-CV-02087, ECF No. 56; 23-CV-02091, ECF No. 35; 23-CV-02093, ECF No. 39.

1 WHEREAS, the parties have conferred and agreed to a schedule for briefing and page limits
2 for Defendants' anticipated Motion to Dismiss;

3 NOW, THEREFORE, Plaintiffs and Defendants have agreed to, and respectively submit for
4 approval by the Court, the following schedule and page limits for Defendants' Motion to Dismiss:

- 5 1. Defendants will jointly file one, consolidated Motion to Dismiss by July 31, 2023, not
6 to exceed 40 pages of text in length, inclusive of any appendix.
- 7 2. Plaintiffs will jointly file one, consolidated opposition to the Motion to Dismiss by
8 September 14, 2023, not to exceed 50 pages of text in length, inclusive of any appendix.
- 9 3. Defendants will jointly file one, consolidated reply to the opposition to the Motion to
10 Dismiss by October 16, 2023, not to exceed 30 pages of text in length, inclusive of any
11 appendix.

12 **IT IS SO STIPULATED.**

13
14 Dated: July 12, 2023

15 GIBSON, DUNN & CRUTCHER LLP

16
17 By: /s/ Samuel G. Liversidge
18 Samuel G. Liversidge

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1 Dated: July 12, 2023

Respectfully submitted,

2 By: /s/ Kyla J. Gibboney

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24 *Counsel for Plaintiffs Kimberly Schuman,*
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25 *Purchaser Classes*

26 Dated: July 12, 2023

Respectfully submitted,

27 /s/ Daniel H. Silverman

28 Daniel H. Silverman (*pro hac vice*)

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ECF ATTESTATION

Pursuant to Civil Local Rule 5-1(h)(3), I attest that the concurrence in the filing of this document has been obtained from all other signatories.

Dated: July 12, 2023 /s/ Samuel G. Liversidge

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 7/13/2023



Hon. Haywood S. Gilliam, Jr.
United States District Judge