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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

In re VNGR BEVERAGE, LLC LITIGATION

Case No. 4:24-cv-03229-HSG

Hon. Haywood S. Gilliam, Jr.

**JOINT STIPULATION FOR LEAVE  
TO FILE THIRD AMEDED  
CONSOLIDATED COMPLAINT AND  
EXTENSION OF DEADLINE TO  
MOVE FOR PRELIMINARY  
APPROVAL OF CLASS ACTION  
SETTLEMENT AND ORDER (as  
modified)**

This Document Relates to:  
Case No. 4:24-cv-03612-HSG  
Case No. 4:24-cv-06666-HSG

1 Pursuant to Civil Local Rule 7-12, Plaintiffs Kristin Cobbs, Carol Lesh, Sarah Coleman,  
2 and Megan Wheeler (“Plaintiffs”) and Defendant VNGR Beverage, LLC d/b/a Poppi  
3 (“Defendant” or “Poppi,” and together with “Plaintiffs,” the “Parties), hereby jointly stipulate  
4 and agree as follows:

5 WHEREAS, the above consolidated action, *In re VNGR Beverage, LLC Litigation*, Case  
6 No. 4:24-cv-03229-HSG (ECF No. 1, the “Consolidated Action”) is presently pending before the  
7 Court;

8 WHEREAS, on August 20, 2024, Plaintiffs filed a Second Amended Consolidated  
9 Complaint (“SAC”) (ECF No. 35);

10 WHEREAS, on September 23, 2024, Poppi filed its Motion to Dismiss the SAC, which  
11 was initially scheduled for a hearing before this Court on December 5, 2024 at 2:00 p.m. (ECF  
12 No. 37);

13 WHEREAS, on October 21, 2024, the Court granted the Parties’ Joint Stipulation to  
14 Continue the Motion to Dismiss Hearing to December 19, 2024. (ECF No. 42);

15 WHEREAS, on December 4, 2024, the Parties attended a private mediation with the  
16 Honorable Judge Jay C. Gandhi (Ret.) and subsequently have continued to negotiate resolution  
17 of the Consolidated Action;

18 WHEREAS, on December 6, 2024, the Court vacated the December 19, 2024 hearing  
19 (ECF No. 47);

20 WHEREAS, on December 16, 2024, the Court granted the Parties’ joint stipulation to  
21 stay the Consolidated Action for sixty (60) calendar days until February 14, 2025, to provide the  
22 Parties with time to finalize and execute a formal class settlement agreement (ECF Nos. 48–49);

23 WHEREAS, on February 13, 2025, the Parties filed a joint stipulation informing the  
24 Court that the Parties were finalizing the terms of a formal class settlement and requested a  
25 continuance of the previously granted stay to March 10, 2025, which the Court granted (ECF  
26 Nos. 50-51);

27 WHEREAS, the Parties executed the Settlement Agreement on March 5, 2025 and have  
28 finalized the supporting exhibits.

1           WHEREAS, pursuant to the Settlement Agreement, the Parties have agreed that Plaintiffs  
2 shall file a Third Amended Consolidated Complaint, in the form attached as Exhibit A to this  
3 stipulation, adding a claim for breach of implied warranty; and

4           WHEREAS, pending the Court’s approval of the Third Amended Complaint, the Parties  
5 are drafting a Motion for Preliminary Approval of Class Action Settlement in accordance with  
6 the final terms.

7  
8           NOW WHEREFORE, IT IS HEREBY STIPULATED BY AND BETWEEN THE  
9 PARTIES THAT, subject to the Court’s approval, Plaintiffs’ Third Amended Consolidated  
10 Complaint shall become the operative pleading. Plaintiffs shall file a Motion for Approval of  
11 Settlement seeking a preliminary order on March 14, 2025.

1 Dated: March 5, 2025

Respectfully submitted,

2 **BURSOR & FISHER, P.A.**

3  
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*Attorneys for Plaintiff Wheeler*

Dated: March 5, 2025

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*Attorneys for Defendant*

**L.R. 5-1 ATTESTATION**

I, L. Timothy Fisher, attest that all signatories listed herein, and on whose behalf this filing is submitted, concur in this filing's content and have authorized this filing.

By: /s/ L. Timothy Fisher  
L. Timothy Fisher

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**ORDER**

PURSUANT TO THE STIPULATION, IT IS SO ORDERED. The Court, having considered the Parties' Joint Stipulation and finding good cause for the same, hereby orders that the Parties request for leave to allow Plaintiffs to file a Third Amended Consolidated Complaint is **GRANTED** and the Third Amended Complaint attached as Exhibit A to the Joint Stipulation is hereby the operative pleading in this action. Counsel is directed to e-file the Third Amended Complaint on the docket forthwith. Plaintiffs shall file a Motion for Preliminary Approval of Class Action Settlement by March 14, 2025.

This order TERMINATES docket no. 37.

**IT IS SO ORDERED.**

Dated: 3/6/2025

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