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27 Attorneys for Defendants  
 28 NATURA PET PRODUCTS, INC.  
 And PETER ATKINS

**UNITED STATES DISTRICT COURT**

**FOR THE NORTHERN DISTRICT OF CALIFORNIA**

21 JUDY KO, individually and on behalf of all  
 22 other persons similarly situated and on behalf  
 23 of the general public,

Plaintiff,

vs.

24 NATURA PET PRODUCTS, INC; NATURA  
 25 PET FOOD, INC.; NATURA  
 26 MANUFACTURING, Incorporated; PETER  
 27 ATKINS; and DOES 1 through 100, inclusive,

Defendants.

) Case No. C 09-02619 JF

) Assigned to the Hon. Jeremy Fogel

) **ORDER APPROVING**

) **JOINT STIPULATION TO VACATE THE**

) **HEARING ON PLAINTIFFS' MOTION**

) **FOR CLASS CERTIFICATION**

1 Plaintiff JUDY KO, individually and on behalf of the putative class (“Plaintiffs”), by and  
2 through her attorneys of record, Keegan & Baker, LLP and Defendants NATURA PET PRODUCTS,  
3 INC.; NATURA PET FOOD, INC.; NATURA MANUFACTURING, Incorporated and PETER  
4 ATKINS (“Defendants”), by and through their counsel of record, McGrath North Mullin & Kratz,  
5 PC LLO, hereby jointly request that the hearing on Plaintiffs’ Motion for Class Certification be  
6 vacated without prejudice. In support of the stipulation, the parties state as follows:

7 1. This is a class action involving false advertising claims brought under the California  
8 Business and Professions Code § 17200 for which Plaintiff seeks to certify a nation-wide class of  
9 purchasers of Defendants’ dog and cat food products.

10 2. On April 9, 2010, the parties participated in a mediation with the Hon. Jack Komar  
11 (Ret.) and have executed a memorandum of understanding including the material terms of a  
12 proposed class action settlement of the above-referenced matter, including a stipulated settlement  
13 class.

14 3. The parties are in the process of finalizing a more fully comprehensive settlement  
15 agreement, which will include a proposed notice plan.

16 4. As a result, the parties agree to vacate without prejudice the briefing schedule and  
17 hearing on Plaintiffs’ Motion for Class Certification currently scheduled for September 15, 2010.

18 5. The parties presently anticipate filing with the Court a motion for preliminary  
19 approval of their proposed class action settlement within the next ninety (90) days or no later than  
20 September 27, 2010.

21 WHEREFORE, the parties jointly request than an Order be entered vacating the hearing on  
22 Plaintiffs’ Motion for Class Certification currently scheduled for September 15, 2010.

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1 Pursuant to ECF 2(f)(4), Plaintiff's counsel certifies the content of the document is  
2 acceptable to all persons required to sign the document.

3 Dated: July 1, 2010

KEEGAN & BAKER, LLP

4  
5 s/ Patrick N. Keegan  
Patrick N. Keegan, Esq.  
6 Attorney for Representative Plaintiff  
JUDY KO  
7

8 Dated: July 1, 2010

McGRATH NORTH MULLIN & KRATZ, PC

9  
10 s/ James J. Frost  
James J. Frost, Esq.  
11 Attorney for Defendants  
12 NATURA PET PRODUCTS, INC.  
and PETER ATKINS  
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17 IT IS SO ORDERED.

18 Dated: 7/6/2010

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20 JEREMY FOGEL  
United States District Judge  
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