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 19 DR. BRONNER'S MAGIC SOAPS

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 and LEVLAD, LLC

ADDITIONAL COUNSEL AND PARTIES  
 LISTED ON SIGNATURE PAGE

11 **UNITED STATES DISTRICT COURT**  
 12 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
 13 **SAN JOSE DIVISION**

14 ALL ONE GOD FAITH, INC., d/b/a DR.  
 15 BRONNER'S MAGIC SOAPS, a California  
 16 corporation,

17 Plaintiff,

18 vs.

19 THE HAIN CELESTIAL GROUP, INC., a  
 20 Delaware corporation; KISS MY FACE  
 21 CORPORATION, a New York corporation;  
 22 LEVLAD, LLC, a California limited  
 23 liability company; GIOVANNI  
 24 COSMETICS, INC., a California  
 25 corporation; COSWAY COMPANY, INC.,  
 26 a California corporation; COUNTRY LIFE,  
 27 LLC, a New York limited liability company;  
 28 ECOCERT FRANCE (SAS), a French  
 corporation; and ECOCERT, INC., a  
 Delaware corporation,

Defendants.

Civil Case No.: CV-09-3517 JF

**STIPULATION REGARDING  
 SCHEDULE FOR BRIEFING ON  
 DEFENDANTS' RENEWED  
 MOTION TO DISMISS AND  
 PLAINTIFF'S MOTION TO LIFT  
 STAY AND PROCEED WITH  
 DISCOVERY AND [PROPOSED]  
 ORDER**

Judge: Hon. Jeremy Fogel  
 Trial Date: None set

1           WHEREAS, on January 13, 2010, Plaintiff All One God Faith, Inc., doing business as Dr.  
2 Bronner’s Magic Soaps (“Dr. Bronner’s”), filed its third amended complaint (“TAC”) alleging  
3 violations of Section 43(a) of the Lanham Act by Defendants;

4           WHEREAS, on January 14, 2010, Dr. Bronner’s filed an administrative complaint with  
5 the United States Department of Agriculture (“USDA”) alleging that Defendants’ products are  
6 labeled in violation of the regulations issued under USDA’s National Organic Program (“NOP”);

7           WHEREAS, various Defendants moved to dismiss the Third Amended Complaint;

8           WHEREAS, on May 24, 2010, the Court entered an Order holding that “it would be  
9 inappropriate for this Court to adjudicate Plaintiff’s Lanham Act claim and impose a potentially  
10 conflicting set of standards” while USDA was considering the development of standards  
11 governing personal care products and while Dr. Bronner’s administrative complaint was pending,  
12 (*see* Docket No. 118 at 11:6-11) and stayed this case “pending further action by the USDA.” *Id.*  
13 at 12:4-5.

14           WHEREAS, in granting the stay instead of dismissal, the Court reasoned that “without  
15 knowing how the USDA will proceed regarding the NOSB’s recommendation and Plaintiff’s  
16 administrative complaint, the Court cannot presume that there will be nothing left for it to  
17 decide.” *Id.* at 12:1-5;

18           WHEREAS, on February 2, this Court sent a letter to USDA listing various documents in  
19 its possession relevant to this action, and asked that USDA inform the Court if it had any  
20 “additional information relevant to this case that the Court does not.” *See* Docket. No. 137;

21           WHEREAS, in a letter dated May 5, 2011, USDA responded that it had no additional  
22 information to provide;

23           WHEREAS, on June 10, 2011, a case management conference was held in which the  
24 Court set a hearing date of September 9, 2011 to hear arguments on any motions the parties may  
25 file regarding how to proceed in this action, including whether the action should be dismissed or  
26 proceed, including whether it should proceed pursuant to a discovery plan;

27           WHEREAS, the parties have met and conferred and agreed upon a briefing schedule in  
28 advance of the September 9, 2011 hearing date set by the Court;

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**IT IS HEREBY STIPULATED**, by and between the parties hereto:

1) Not later than August 5, 2011, Defendants will file any renewed motion to dismiss they wish to file and Plaintiff will file any proposed discovery plan and/or motion to lift the stay it wishes to file.

2) Not later than August 19, 2011, the parties will file their respective oppositions to motions filed by August 5, 2011.

3) Not later than August 26, 2011, the parties will file replies in support of their respective motions.

Dated: July 20, 2011

FARELLA BRAUN + MARTEL LLP  
SANDLER, REIFF & YOUNG PC

By:           /s/ Joseph Sandler            
Joseph Sandler  
Attorneys for Plaintiff  
ALL ONE GOD FAITH, INC., d/b/a DR.  
BRONNER’S MAGIC SOAPS

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FACE CORPORATION; and LEVLAD,  
LLC

LEWITT, HACKMAN, SHAPIRO,  
MARSHALL & HARLAN

By:           /s/ Stephen T. Holzer            
Stephen T. Holzer  
Attorneys for Defendant GIOVANNI  
COSMETICS, INC.

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WESTRUP KLICK LLP

By:           /s/ Rhonda Klick            
Rhonda Klick  
Attorneys for Defendant COSWAY  
COMPANY, INC.

BARTKO, ZANKEL, TARRANT & MILLER  
AJ ROTONDI, PLLC

By:           /s/ Anthony Rotondi            
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Attorneys for Defendant COUNTRY LIFE,  
L.L.C.

ROPERS, MAJESKI, KOHN & BENTLEY

By:           /s/ Thomas H. Clarke, Jr.            
Thomas H. Clarke, Jr.  
Attorneys for Defendants ECOCERT  
FRANCE (SAS) and ECOCERT, INC.

**-[PROPOSED] ORDER**  
[Local Rules 7-12 and 16-2 (e)]

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Date:           7/28/11          

  
\_\_\_\_\_  
Hon. Jeremy Fogel  
United States District Judge

**ATTESTATION**

I, Morgan Jackson, am the ECF user whose User ID and Password are being used to file the STIPULATION REGARDING SCHEDULE FOR BRIEFING ON DEFENDANTS' RENEWED MOTION TO DISMISS AND PLAINTIFF'S MOTION TO LIFT STAY AND PROCEED WITH DISCOVERY AND [PROPOSED] ORDER. In compliance with General Order 45.X.B, I hereby attest that concurrence in the filing of this document has been obtained from signatories Margaret Wilkinson, and through Margaret Wilkinson, from Stephen T. Holzer, Rhonda Klick, Anthony Rotondi, and Thomas Clarke, Jr.

DATED: July 20, 2011:           /s/ Morgan T. Jackson