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14 **Interim Class Counsel**

16 **UNITED STATES DISTRICT COURT**  
 17 **NORTHERN DISTRICT OF CALIFORNIA**  
 18 **SAN FRANCISCO DIVISION**

20  
 21  
 22 **IN RE QUAKER OATS LABELING**  
**LITIGATION**  
 23  
 24

Case No: 5:10-CV-00502-RS  
**JOINT STIPULATION AND**  
**[PROPOSED] SCHEDULING ORDER**  
**CONTINUING CASE MANAGEMENT**  
**CONFERENCE AND CLASS**  
**CERTIFICATION DEADLINE**  
 Judge: Honorable Richard Seeborg

1           WHEREAS, on March 25, 2012, the Court entered a Case Management Scheduling Order,  
2 limiting pre-certification discovery, scheduling a Case Management Conference for December 13,  
3 2012, and scheduling a hearing for Plaintiff's class certification motion for May 2, 2013 (Dkt. No.  
4 139);

5           WHEREAS, in the ensuing months, the parties voluntarily limited discovery in the interest of  
6 avoiding unnecessary expense while evaluating the feasibility of settlement; the parties now agree,  
7 however, that that pre-certification discovery should proceed;

8           WHEREAS, the parties respectfully request that the Court continue the previously scheduled  
9 hearing date for Plaintiffs' class certification motion to allow the parties an opportunity to develop a  
10 full class certification record;

11           WHEREAS, the parties have agreed to a briefing schedule and a suggested hearing date on  
12 Plaintiffs' motion for class certification that would permit the development of a full record and ensure  
13 that briefing on the motion is completed at least two weeks in advance of the hearing;

14           WHEREAS, the parties respectfully suggest that, in light of the foregoing, it would be most  
15 efficient to continue the Case Management Conference currently scheduled for December 13, 2012  
16 until May 2013.

17           NOW, THEREFORE, in consideration of the above, Plaintiffs and Defendant The Quaker Oats  
18 Company, by and through their counsel of record, hereby stipulate and request that the Court order as  
19 follows:

20           1.     CASE MANAGEMENT CONFERENCE CONTINUED: The Case Management  
21 Conference scheduled for December 13, 2012, shall be continued to May 2013, at a date and time  
22 acceptable to the Court. The parties shall file a Joint Case Management Statement at least one week  
23 prior to the Conference.

24           2.     CLASS CERTIFICATION: A hearing on Plaintiffs' Motion for Class Certification shall  
25 be held on September 19, 2013, or such other date as the Court may order, at 1:30 p.m. in Courtroom 3,  
26 17th Floor, United States Courthouse, 450 Golden Gate Avenue, San Francisco, CA.

1 3. BRIEFING SCHEDULE: Plaintiffs' motion for class certification (including all  
2 evidence and any expert testimony in support) shall be filed no later than 16 weeks before the hearing  
3 date for the motion. Defendants' opposition (including all evidence and any expert testimony in  
4 support) shall be filed no later than 8 weeks after the filing of Plaintiffs' class certification motion.  
5 Any reply in support of class certification shall be filed no later than 6 weeks after the filing of the  
6 opposition, and no later than 2 weeks before the hearing on the motion. The parties are directed to  
7 prepare a proposed scheduling order listing the relevant calendar dates based on the hearing date  
8 ordered by the Court.

9 **IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.**

10 Dated: December 5, 2012

By: /s/ Gregory S. Weston

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26 **PURSUANT TO THE PARTIES' STIPULATION, IT IS SO ORDERED.**

27 DATED: 12/7/12

  
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THE HONORABLE RICHARD SEEBORG  
UNITED STATES DISTRICT JUDGE