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 THE HERSHEY COMPANY
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9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA
 11 SAN JOSE DIVISION

13 LEON KHASIN, an individual, on his own
 behalf and on behalf of all others similarly
 14 situated,

15 Plaintiff,

16 v.

17 THE HERSHEY COMPANY,

18 Defendant.

Case No. CV12-01862 EJD

**STIPULATION AND ~~PROPOSED~~
 ORDER EXTENDING TIME TO
 RESPOND TO AMENDED
 COMPLAINT AND MODIFYING
 BRIEFING AND CMC SCHEDULE**

Hearing Date: October 12, 2012
 Time: 9:00 a.m.
 Judge: Hon. Edward J. Davila
 Action Filed: April 13, 2012

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 21 Plaintiff Leon Khasin (“Plaintiff”), on behalf of himself and all others similarly situated,
 22 and Defendant The Hershey Company (“Hershey” or “Defendant”), through their undersigned
 23 counsel, hereby stipulate as follows:

24 WHEREAS on April 13, 2012 Plaintiff filed a Class Action and Representative Action
 25 Complaint for Damages and Equitable and Injunctive Relief (the “Complaint”), and served
 26 Hershey with the Complaint on May 8, 2012;
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1 WHEREAS pursuant to a stipulation providing that Hershey could respond to the
2 Complaint on or before June 28, 2012, Hershey filed a Motion to Dismiss the Complaint on July
3 2, 2012 due to an ECF failure that lasted from June 28, 2012 through July 2, 2012;

4 WHEREAS rather than responding to Hershey's Motion to Dismiss, Plaintiff Khasin
5 filed an Amended Class Action and Representative Action Complaint for Damages, Equitable
6 and Injunctive Relief ("Amended Complaint") on July 23, 2012;

7 WHEREAS pursuant to Rule 15 of the Federal Rules of Civil Procedure, Hershey's
8 response to the Amended Complaint would be due on August 6, 2012;

9 WHEREAS at over 60 pages, the Amended Complaint is substantially longer than
10 Plaintiff's original Complaint, makes allegations against additional products, and includes
11 additional claims;

12 WHEREAS the parties desire additional time to brief the issues raised by the Amended
13 Complaint and Hershey's anticipated motion to dismiss the Amended Complaint; and

14 WHEREAS the parties agree that in light of the filing of the Amended Complaint and
15 the stipulated briefing and hearing schedule below, the Case Management Conference currently
16 scheduled for September 14, 2012 should be rescheduled to coincide with the date for the
17 hearing on Hershey's anticipated motion to dismiss the Amended Complaint;

18 THE PARTIES HEREBY STIPULATE, subject to the approval of the Court, that:

- 19 1. Defendant shall have an additional seven (7) days to respond to Plaintiff's Amended
20 Complaint, up to and including August 13, 2012;
- 21 2. Plaintiff will file Opposition papers to Hershey's Motion to Dismiss no later than
22 August 31, 2012;
- 23 3. Defendant will file Reply papers no later than September 14, 2012;
- 24 4. Defendant will notice the Motion to Dismiss for hearing on October 12, 2012; and
- 25 5. The initial Case Management Conference will be held on the date of the hearing on
26 Hershey's Motion to Dismiss.

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Dated: July 30, 2012

WILLIAM L. STERN
WILLIAM F. TARANTINO
CLAUDIA M. VETESI
MORRISON & FOERSTER LLP

By: /s/ William L. Stern
WILLIAM L. STERN

Attorneys for Defendants
DOLE FOOD COMPANY, INC.,
DOLE PACKAGED FOODS, LLC

Dated: July 30, 2012

Ben F. Pierce Gore (SBN 128515)
PRATT & ASSOCIATES
1901 S. Bascom Avenue, Suite 350
Campbell, California 95008

By: /s/ Ben F. Pierce Gore
BEN F. PIERCE GORE

Attorneys for Plaintiff

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ECF ATTESTATION

I, William L. Stern, am the ECF User whose ID and password are being used to file the following: **STIPULATION AND [PROPOSED] ORDER TO CHANGE BRIEFING AND HEARING DATES**. In compliance with General Order 45, X.B., I hereby attest that Ben F. Pierce Gore has concurred in this filing.

Dated: July 30, 2012


WILLIAM L. STERN
WILLIAM F. TARANTINO
CLAUDIA M. VETESI
MORRISON & FOERSTER LLP

By: /s/ William L. Stern
WILLIAM L. STERN

~~PROPOSED~~ ORDER

PURSUANT TO STIPULATION OF THE PARTIES, IT IS SO ORDERED.
The Motion to Dismiss the original complaint (Docket Item No. 19) is TERMINATED AS MOOT.

DATED: 7/31/2012


EDWARD J. DAVILA
United States District Judge