BRYAN A. MERRYMAN (SBN 134357)
THOMAS J. BENEDICT (SBN 204420)
WHITE & CASE LLP
633 W. Fifth Street, Suite 1900
Los Angeles, CA 90071-2007
Telephone: (213) 620-7700
Facsimile: (213) 452-2329
Email: bmerryman@whitecase.com
Email: tbenedict@whitecase.com

Attorneys for Defendants
GERBER PRODUCTS COMPANY
and NESTLÉ USA, INC.

BEN F. PIERCE GORE (SBN 128515)
PRATT & ASSOCIATES
1901 S. Bascom Avenue, Suite 350
Campbell, CA 95008
Telephone: (408) 429-6506
Facsimile: (408) 369-0752
Email: pgore@prattattorneys.com

Attorneys for Plaintiff
NATALIA BRUTON

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

NATALIA BRUTON, individually and on behalf of all others similarly situated,

Plaintiff,

v.

GERBER PRODUCTS COMPANY, and NESTLÉ USA, INC.,

Defendants.

NO. CV 12-02412 LHK

STIPULATION AND ~~[PROPOSED]~~ ORDER RE BRIEFING SCHEDULE FOR DEFENDANTS' MOTION TO DISMISS PLAINTIFF'S AMENDED COMPLAINT

Judge: Hon. Lucy H. Koh
Action Filed: May 11, 2012
Trial Date: None

Pursuant to Local Rule 6-1(a), Plaintiff Natalia Bruton, individually and on behalf of all others similarly situated ("Plaintiff"), and Defendants Gerber Products Company and Nestlé USA, Inc. ("Defendants") (collectively, the "Parties"), by and through their respective counsel of record, hereby stipulate to a briefing schedule for Defendants' Motion to Dismiss Plaintiff's Amended Complaint.

WHEREAS, on September 21, 2012, Plaintiff filed a putative class action Amended Complaint against Defendants, alleging violations of Cal. Bus & Prof. Code §§ 17200, *et seq.* and 17500, *et seq.*, Cal. Civ. Code §§ 1750, *et seq.* and 1790, *et seq*, and 15. U.S.C. § 2301, *et seq*., and restitution.

WHEREAS, Defendants filed a Motion to Dismiss the Amended Complaint (the "Motion") on October 5, 2012.

WHEREAS, under Local Rule 7-3, Plaintiff's response to Defendants' Motion is due on October 19, 2012, and Defendants' reply is due on October 26, 2012.

WHEREAS, Plaintiff requires additional time to respond to Defendants' Motion.

WHEREAS, the Parties have reserved the Court's first available date of January 10, 2013, for the hearing on Defendants' Motion.

WHEREAS, the stipulated extension is not sought for the purpose of unnecessary delay and will not alter the date of any event or deadline already fixed by Court order.

NOW, THEREFORE, THE PARTIES HEREBY STIPULATE AND AGREE the time for Plaintiff to respond to Defendants' Motion is extended to November 16, 2012, and the time for Defendants to reply to Plaintiff's response is extended to December 17, 2012.

Dated: October 12, 2012

WHITE & CASE LLP

By: /s/ *Bryan A. Merryman*
Bryan A. Merryman
Attorneys for Defendants

Dated: October 12, 2012

PRATT & ASSOCIATES

By: /s/ *Pierce Gore*
Ben F. Pierce Gore
Attorneys for Plaintiff

DECLARATION OF PIERCE GORE

I, Pierce Gore, am an attorney of record for Plaintiff Natalia Bruton. Bryan A. Merryman, attorney of record for Defendants Gerber Products Company and Nestle USA, Inc., gave me his concurrence in the filing of the document titled "STIPULATION RE BRIEFING SCHEDULE FOR DEFENDANTS' MOTION TO DISMISS PLAINTIFF'S AMENDED COMPLAINT," which concurrence shall serve in lieu of his signature on that filed document. I have and will maintain records to support this concurrence for subsequent production to the Court if so ordered or for inspection upon request by a party until one year after final resolution of the action (including appeal, if any).

Dated: October 12, 2012

PRATT & ASSOCIATES

By: /s/ *Pierce Gore*
Pierce Gore
Attorney for Plaintiff

~~[PROPOSED]~~ ORDER

Pursuant to stipulation, IT IS HEREBY ORDERED that:

The following briefing schedule shall apply to Defendants' Motion to Dismiss the Amended Complaint: Plaintiff's opposition is due November 16, 2012, Defendants' reply is due December 17, 2012 and a hearing on the Motion shall be held on January 10, 2013.

IT IS SO ORDERED.

Dated: October

Lucy H. Koh