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10 **UNITED STATES DISTRICT COURT**
 11 **NORTHERN DISTRICT OF CALIFORNIA**
 12 **SAN JOSE DIVISION**

14 KATIE KANE, *et al.*, individuals, on behalf
 themselves and all others similarly situated,

15 Plaintiffs,

16 v.

17 CHOBANI, INC.

18 Defendant.
 19

Case No. CV 12-02425-LHK

~~proposed~~

**ORDER GRANTING DEFENDANT
 CHOBANI, INC'S REQUEST FOR
 LEAVE TO FILE SUPPLEMENTAL
 BRIEF ADDRESSING THE IMPACT OF
 PEREZ V. NIDEK RE CHOBANI'S
 PENDING MOTION TO DISMISS**

Date: March 28, 2013
 Time: 1:30 p.m.
 Dept.: Judge Koh, Ctrm 8

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ORDER GRANTING LEAVE TO FILE SUPPLEMENTAL BRIEF

Within 7 days of this Order, the parties on each side shall file a brief, not to exceed five pages, regarding the relevance of the Ninth Circuit's recent decision in *Perez v. Nidek Co., Ltd.*, -- F.3d --, 2013 WL 1189098 (9th Cir. 2013), to this case, particularly in regard to whether the Ninth Circuit's decision impacts whether any of Kane's claims should be subject to implied preemption.

Dated: April 24, 2013



Lucy H. Koh
U.S. District Court Judge