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Counsel for Defendants

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

PAUL DE LA TORRE and
JOSHUA OGDEN, an individual, on
behalf of himself and all others
similarly situated,

Plaintiffs,

v.

GNC HOLDINGS, INC.,
GENERAL NUTRITION
CORPORATION, GENERAL
NUTRITION CENTERS, INC.,

Defendants.

Case No. 5:15-cv-00561-BLF

**ORDER CONTINUING CASE
MANAGEMENT CONFERENCE
PENDING DETERMINATION BY
THE JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION TO
TRANSFER CASE PURSUANT TO
28 U.S.C. § 1407**

On March 27, 2015, the Court entered an order extending Defendants’ time to respond to the Complaint in this matter until after the resolution of a motion to create a Multi-District Litigation (“MDL”) pending before the Judicial Panel on Multidistrict Litigation (“JPML”) that, if granted, would transfer this action and related actions to a single court as part of MDL No. 2621 for consolidated pretrial proceedings, pursuant to 28 U.S.C. § 1407. Since the entry of the order, the JPML

1 has set a hearing on the Motion to Transfer for May 28, 2015.

2 On April 4, the clerk issued a notice setting a Case Management Conference
3 for June 4, 2015, and setting the deadline for CMC Statements on May 28, 2015.
4 Because the JPML will not hear the motion until May 28, the Motion to Transfer
5 will likely not be resolved as of the June 4, CMC date. If the motion is granted, it
6 will moot the need for further proceedings in this Court. If the motion is denied,
7 Defendants' time to respond to the Complaint will likely not expire until some time
8 in July 2015.

9 In light of the foregoing the undersigned parties stipulate and request that the
10 Court vacate the Case Management Conference currently set for June 4, 2015 in
11 this matter, subject to being reset, if necessary, after the JPML has ruled on the
12 pending Motion to Transfer.

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1 Dated: April 17, 2015

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The Case Management Conference set for June 4, 2015 in this matter is
CONTINUED to August 20, 2015 at 1:30 p.m.

IT IS SO ORDERED.

Dated: April 20, 2015


THE HON. BETH LABSON
FREEMAN
UNITED STATES DISTRICT
COURT JUDGE