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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

JOSHUA TEPERSON, on behalf of
himself and all other Californians
similarly situated,

Plaintiff,

vs.

MATRIXX INITIATIVES, INC., a
Delaware corporation, and ZICAM,
LLC, an Arizona limited liability
company,

Defendants.

Case No. 09-CV-1358 IEG POR
Hon. Irma E. Gonzalez
Courtroom 1

ORDER:

- (1) GRANTING JOINT MOTION TO STAY PROCEEDINGS (Doc. No. 16); and**
- (2) DENYING AS MOOT DEFENDANTS' MOTION TO STAY PROCEEDINGS (Doc. No. 11).**

On August 11, 2009, Defendants Matrixx Initiatives, Inc. and Zicam, LLC (“Defendants”) filed a motion to stay proceedings in this case pending a ruling on transfer and consolidation by the Judicial Panel on Multidistrict Litigation (the “Panel”). (Doc. No. 11.) The Court scheduled a hearing on the motion for September 21, 2009 at 10:30 a.m.

1 The parties have since filed, on August 28, 2009, a joint motion to stay
2 proceedings in this case pending a decision by the Panel regarding the transfer and
3 coordination of this action. (Doc. No. 16.)


4 Good cause appearing, the Court GRANTS the parties' joint motion, DENIES
5 AS MOOT Defendants' prior motion to stay the proceedings, and VACATES the
6 hearing on Defendants' prior motion.

7
8 IT IS HEREBY ORDERED THAT, pursuant to the joint motion, that there
9 will be a stay of: (a) all pre-trial activity in this case; (b) the period for initial
10 disclosures pursuant to Rule 26 of the Federal Rules of Civil Procedure; and (c) all
11 other discovery and pre-trial deadlines, pending a decision by the Panel regarding
12 the transfer and coordination of this action.

13 IT IS ALSO ORDERED THAT, that within fourteen (14) days after a
14 decision of the Panel regarding the transfer and coordination of this action, the
15 Parties will notify the Court so as to proceed in a manner consistent with the ruling
16 by the Panel.

17 **IT IS SO ORDERED.**

18
19 DATED: August 31, 2009


IRMA E. GONZALEZ, Chief Judge
United States District Court

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