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Attorneys for Defendant(s)
IOVATE HEALTH SCIENCES, INC.; IOVATE HEALTH
SCIENCES U.S.A., INC.; MUSCLETECH RESEARCH AND
DEVELOPMENT, INC.; VITAMIN SHOPPE INDUSTRIES,
INC.; and GENERAL NUTRITION CENTERS, INC.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ALEJANDRO M. JIMENEZ, an individual; and
CHRISTOPHER LOPEZ, an individual; on behalf
of themselves and all others similarly situated,

Plaintiffs,

v.

IOVATE HEALTH SCIENCES, INC., IOVATE
HEALTH SCIENCES USA, INC.,
MUSCLETECH RESEARCH AND
DEVELOPMENT, INC.; VITAMIN SHOPPE
INDUSTRIES, INC., GENERAL NUTRITION
CENTERS, INC., and DOES 1 through 50,
inclusive

Defendants.

Case No. 09-CV-01473-JAM-KJM

**STIPULATION AND ORDER TO
EXTEND TIME FOR
DEFENDANTS TO RESPOND TO
COMPLAINT**

**Judge: Hon. John A. Mendez
Magistrate: Hon. Kimberly J.
Mueller**

1 Pursuant to Civil Local Rules 6-144 and 83-143 of this Court, Plaintiffs ALEJANDRO M.
2 JIMENEZ and CHRISTOPHER LOPEZ, on behalf of themselves and all others similarly situated
3 and the general public, and defendants IOVATE HEALTH SCIENCES, INC.; IOVATE
4 HEALTH SCIENCES U.S.A., INC.; MUSCLETECH RESEARCH AND DEVELOPMENT,
5 INC.; VITAMIN SHOPPE INDUSTRIES, INC.; and GENERAL NUTRITION CENTERS, INC.
6 (collectively "Defendants") hereby submit the following Stipulation to Extend Time to Respond
7 to Complaint ("Stipulation"):¹

8 1. Defendants require additional time to assess Messrs. Jimenez and Lopez's claims.
9 Within the past 30 days, Defendants have been sued in related matters in purported class actions
10 in more than 10 different states, and only last week, plaintiffs in class actions filed in the Southern
11 District of California moved for transfer to a single district court in San Diego, pursuant to 28
12 U.S.C. § 1407. Defendants have been very busy locating counsel for these various matters.
13 Defendants require additional time to review the claims with counsel and to respond to each of
14 the several allegations, including those that require significant investigation within Defendants'
15 respective organizations.

16 2. In light of Defendants' need for additional time, and in accordance with Local
17 Rule 6-144 of this Court, the parties request that the Court order that Defendants shall have
18 until August 3, 2009, to answer or otherwise respond to the complaint in the present action.
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26 ¹ Defendants appear for purposes of this Stipulation only, and expressly reserve their right
27 to contest service and this Court's jurisdiction.
28

1 Dated: June 25, 2009

ARTURO J. GONZÁLEZ
ERIN M. BOSMAN
WILLIAM F. TARANTINO
ALEXANDRIA A. AMEZCUA
MORRISON & FOERSTER LLP

4 By: /s/ Alexandria A. Amezcua
ALEXANDRIA A. AMEZCUA

6 Attorneys for Defendant(s)
IOVATE HEALTH SCIENCES, INC.;
7 IOVATE HEALTH SCIENCES
U.S.A., INC.; MUSCLETECH
8 RESEARCH AND DEVELOPMENT,
INC.; VITAMIN SHOPPE
9 INDUSTRIES, INC.; and GENERAL
NUTRITION CENTERS, INC.

10 Dated: June 25, 2009

JAMES M. LINDSAY
GENE J. STONEBARGER
RICHARD D. LAMBERT
LINSLEY & STONEBARGER

13 BY: /s/ Gene J. Stonebarger
14 (as authorized on June 24, 2009)
GENE J. STONEBARGER

15 Attorneys for Plaintiffs
ALEJANDRO M. JIMENEZ and
16 CHRISTOPHER LOPEZ, and all others
17 similarly situated and the general public

18 **IT IS SO ORDERED.**

19
20 Dated: June 25, 2009

/s/ John A. Mendez
The Honorable John A. Mendez