

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF PENNSYLVANIA**

DENNIS THIERET, RONALD L.
BUCKNER, DAVID S. BENDEL, DAVID D.
McDONALD, MICHAEL CALLAHAN,
MICHAEL D. DRAZICH, JOHN FARR,
CHARLES LEGEZA, RONALD PERRIS,
ERIC DeFAZIO, JOHN BRADFORD,
RONALD LAWRENCE, DAVID M.
NELSON, DAVE SIMPSON, FRANK
CINICOLA, SCOTT URQUAHANT, DAVID
CORNELIUS, DALTON MINERD,
JEFFREY B. WHITFORD, MARK A.
SUTHERIN, JR., RANDY DEVER, ROBERT
THOMAS, MATTHEW RALSTON, PAT
GOLDEN, DAVID H. HANEY, ERIC L.
GROH, DAVID M. STITT, ROBERT
SMITH, BRIAN GEISER, MICHAEL
SCHUBERT, KEVIN E. SWEENEY,
CHRISTIAN MARINI, THOMAS L.
HANDERHAN, MICHAEL HARTLE and
ARTHUR GOLDBERG,

Plaintiffs,

v.

BOTTLING GROUP, LLC,

Defendant.

Case No. 2:11-cv-00644-GLL

Assigned to: Hon. Gary L. Lancaster

Complaint Filed: May 13, 2011

**STIPULATION TO EXTEND TIME TO FILE
AMENDED PLEADINGS AND/OR TO JOIN PARTIES**

Plaintiffs and Defendant Bottling Group, LLC, collectively the "Parties," hereby stipulate and agree as follows:

WHEREAS, on November 18, 2011, the Court issued an Initial Scheduling Order setting the deadline for filing amended pleadings and/or to join parties as December 14, 2011 (Doc. 31);

WHEREAS, on December 13, 2011, the Court granted the Parties' request for an extension of time to amend pleadings and/or to join parties from December 14, 2011 to January 13, 2011 (Doc. 34);

WHEREAS, the Parties attended mediation in this matter on January 4, 2012 with Louis B. Kushner (Doc. 28);

WHEREAS, the Parties reached a settlement at the mediation;

WHEREAS, the settlement reached at mediation is contingent upon agreement between Defendant and the union representing the Plaintiffs in this action – the General Teamsters, Chauffeurs, and Helpers Local 249 – on a new compensation structure for BCRs/Pre-Sell Merchandisers at the McKees Rocks location;

WHEREAS, if an agreement with Local 249 is not reached and the settlement reached at mediation is not approved by Local 249, Defendant may need to join Local 249 in this action;

WHEREAS, in order to provide adequate time to Defendant and Local 249 to negotiate a new compensation structure and to provide the Parties sufficient time to add parties and/or amend pleadings should the settlement process break down, the Parties request that the deadline for filing amended pleadings and/or to join parties be extended for 31 additional days, or until January 13, 2012;

WHEREAS, the Parties believe no other deadlines in the Court's November 18, 2011 Scheduling Order will be impacted by a 31 day extension;

NOW THEREFORE, the Parties agree and stipulate that the deadline for filing amended pleadings and/or to join parties should be extended 31 days, or until February 13, 2012.

IT IS SO STIPULATED.

Dated: January 9, 2012

Respectfully submitted,

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

By /s/ Samantha D. Hardy
SAMANTHA D. HARDY
501 West Broadway, 19th Floor
San Diego, California 92101
Tel: 619-338-6640
Fax: 619-234-3815
shardy@sheppardmullin.com
Attorneys for Defendant BOTTLING GROUP, LLC
dba PBC.

Dated: January 9, 2012

JUBELIRER, PASS & INTRIERI, P.C.

By /s/ Ernest B. Orsatti
Ernest B. Orsatti
219 Fort Pitt Boulevard
Pittsburgh, Pennsylvania 15222
Tel: 412-281-3850
Fax: 412-281-1985
ebo@jopilaw.com

Attorneys for Plaintiffs.

SO ORDERED, this 9th day of Jan, 2012.

G. L. Lancaster
Hon. Gary L. Lancaster
Chief United States District Judge