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Attorneys for Defendant

The Kraft Heinz Company

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

AARON CLARKE and MICHELLE DEVERA,  
individually and on behalf of all others similarly  
situated,

Plaintiffs,

v.

THE KRAFT HEINZ COMPANY.

Defendant.

Case No. 3:21-cv-02437-RS

The Honorable Richard Seeborg

**STIPULATION AND ORDER TO SET  
BRIEFING SCHEDULE AND CONTINUE  
CERTAIN DEADLINES**

1 WHEREAS:

2 1. Pursuant to a waiver of service, The Kraft Heinz Company's deadline to respond to  
3 Plaintiffs' initial Complaint is July 2, 2021;

4 2. Plaintiffs have indicated that they intend to file an amended complaint;

5 3. In light of Plaintiffs' intention to file an amended complaint, the parties agree that Kraft  
6 Heinz need not respond to Plaintiffs' initial complaint and that any motion to dismiss or other responsive  
7 pleading should be directed at Plaintiffs' amended complaint;

8 4. Kraft Heinz filed a motion to transfer venue of this action to the U.S. District Court for the  
9 Northern District of Illinois on June 22, 2021, and Plaintiffs' opposition is currently due on July 6, 2021;

10 5. Plaintiffs have requested, and Kraft Heinz has agreed to provide, an extension of Plaintiffs'  
11 deadline to oppose its motion to transfer venue to and including July 16, 2021;

12 6. Kraft Heinz has requested, and Plaintiffs have agreed to provide, an extension of Kraft  
13 Heinz's deadline to file a reply in support of its motion to transfer venue to and including July 29, 2021;

14 7. The parties agree that Kraft Heinz's motion to dismiss any amended complaint shall be due  
15 21 days following a ruling on Kraft Heinz's pending motion to transfer venue;

16 8. The extensions provided by this Stipulation will not affect any dates set by Court order, and  
17 the parties agree that this stipulation is not for the purpose of delay;

18 NOW, THEREFORE, IT IS STIPULATED AND AGREED AS FOLLOWS, subject to Court  
19 approval:

20 1. Plaintiffs shall file an amended complaint on or before July 9, 2021;

21 2. Kraft Heinz need not file a response to Plaintiffs' initial complaint;

22 3. Plaintiffs' deadline to oppose Kraft Heinz's pending motion to transfer venue is extended  
23 from July 6, 2021 to and including July 16, 2021;

24 4. Kraft Heinz shall file a reply in support of its motion to transfer venue on or before July 29,  
25 2021;

26 5. Kraft Heinz's response to any amended complaint shall be due 21 days following this  
27 Court's ruling on its pending motion to transfer venue;

28

6. If this Stipulation is approved, Kraft Heinz agrees to withdraw its pending administrative motion to stay (ECF No. 18) as moot.

IT IS SO STIPULATED AND AGREED:

Dated: June 30, 2021

JENNER & BLOCK LLP

By:           /s/ Alexander M. Smith            
Alexander M. Smith

Attorneys for Defendant  
The Kraft Heinz Company

Dated: June 30, 2021


BURSOR & FISHER, P.A.<sup>1</sup>

By:           /s/ L. Timothy Fisher            
L. Timothy Fisher

Attorneys for Plaintiffs  
Aaron Clarke & Michelle DeVera

PURSUANT TO STIPULATION, IT IS SO ORDERED:

Dated: June 30, 2021

By:   
The Honorable Richard Seeborg  
United States District Judge

<sup>1</sup> Pursuant to Civil Local Rule 5-1(i)(3), I, Alexander M. Smith, hereby attest that concurrence in the filing of this document has been obtained from all other signatories hereto.