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9 *Attorneys for Plaintiffs*

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

ALEX ANG and KEVIN AVOY, individually
and on behalf of all others similarly situated,

Plaintiffs,

v.

WHITEWAVE FOODS COMPANY, DEAN
FOODS COMPANY, WWF OPERATING
COMPANY, and HORIZON ORGANIC
DAIRY LLC,

Defendants.

Case No. 3:13-CV-01953-SC

**PLAINTIFFS' NOTICE OF APPEAL
WITH NINTH CIRCUIT RULE 3-2
REPRESENTATION STATEMENT**

1 Notice is hereby given that Plaintiffs Alex Ang and Kevin Avoy, individually and on behalf
2 of all others similarly situated, appeal to the United States Court of Appeals for the Ninth Circuit
3 from the judgment entered in the above captioned action, including the Order Granting Motion to
4 Dismiss entered on December 10, 2013, Dkt. 38, which dismissed all Plaintiffs' claims with
5 prejudice.

6
7 Dated: January 9, 2014.

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9 Respectfully submitted,

10
11 /s/ David P. Wilson
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RULE 3-2 REPRESENTATION STATEMENT

1. Plaintiffs-Appellants, Alex Ang and Kevin Avoy, are represented by:

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2. All Defendant-Appellees, including WhiteWave Operating Company, Dean Foods Company, WWF Operating Company, and Horizon Organic Dairy LLC, are represented by:

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Dated: January 9, 2014.

/s/ David P. Wilson
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CERTIFICATE OF SERVICE BY CM/ECF

I hereby certify that on January 9, 2014, I served PLAINTIFFS’ NOTICE OF APPEAL AND NINTH CIRCUIT RULE 3-2 REPRESENTATION STATEMENT by electronically filing the foregoing document listed above by using the Case Management/ Electronic Case filing system. I further certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the court’s CM/ECF system

/s/ David P. Wilson
David P. Wilson



Office of the Clerk
United States Court of Appeals for the Ninth Circuit
Post Office Box 193939
San Francisco, California 94119-3939
415-355-8000

Molly C. Dwyer
Clerk of Court

January 09, 2014

No.: 14-15039
D.C. No.: 3:13-cv-01953-SC
Short Title: Alex Ang, et al v. Whitewave Foods Company, et al

Dear Appellant/Counsel

A copy of your notice of appeal/petition has been received in the Clerk's office of the United States Court of Appeals for the Ninth Circuit. The U.S. Court of Appeals docket number shown above has been assigned to this case. You must indicate this Court of Appeals docket number whenever you communicate with this court regarding this case.

Please furnish this docket number immediately to the court reporter if you place an order, or have placed an order, for portions of the trial transcripts. The court reporter will need this docket number when communicating with this court.

The due dates for filing the parties' briefs and otherwise perfecting the appeal have been set by the enclosed "Time Schedule Order," pursuant to applicable FRAP rules. These dates can be extended only by court order. Failure of the appellant to comply with the time schedule order will result in automatic dismissal of the appeal. 9th Cir. R. 42-1.

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

JAN 09 2014

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

ALEX ANG; KEVIN AVOY,
individually and on behalf of all others
similarly situated,

Plaintiffs - Appellants,

v.

WHITEWAVE FOODS COMPANY;
DEAN FOODS COMPANY; WWF
OPERATING COMPANY; HORIZON
ORGANIC DAIRY, LLC,

Defendants - Appellees.

No. 14-15039

D.C. No. 3:13-cv-01953-SC
U.S. District Court for Northern
California, San Francisco

TIME SCHEDULE ORDER

The parties shall meet the following time schedule.

- | | |
|-------------------------------|---|
| Thu., January 16, 2014 | Mediation Questionnaire due. If your registration for Appellate ECF is confirmed after this date, the Mediation Questionnaire is due within one day of receiving the email from PACER confirming your registration. |
| Mon., April 21, 2014 | Appellant's opening brief and excerpts of record shall be served and filed pursuant to FRAP 32 and 9th Cir. R. 32-1. |
| Mon., May 19, 2014 | Appellee's answering brief and excerpts of record shall be served and filed pursuant to FRAP 32 and 9th Cir. R. 32-1. |

The optional appellant's reply brief shall be filed and served within fourteen days of service of the appellee's brief, pursuant to FRAP 32 and 9th Cir. R. 32-1.

Failure of the appellant to comply with the Time Schedule Order will result in automatic dismissal of the appeal. See 9th Cir. R. 42-1.

FOR THE COURT:
Molly C. Dwyer
Clerk of Court

Ruben Talavera
Deputy Clerk