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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA-WESTERN DIVISION**

BEN Z. HALBERSTAM, On Behalf of)
Himself and All Others Similarly)
Situating,)

Plaintiff,)

v.)

NJOY, INC., *et al.*,)
Defendants.)

Case No. CV 14-00428-MMM (RZx)
**[PROPOSED] ORDER
CONSOLIDATING ACTIONS**

ERIC MCGOVERN, On Behalf of)
Himself and All Others Similarly)
Situating,)

Plaintiff,)

v.)

NJOY, INC., *et al.*,)
Defendants.)

Case No. SACV 14-00427-MMM
(RZ)

1 Having considered the parties’ Joint Stipulation to Consolidate Actions in the
2 above-captioned matters, and finding good cause thereto, the Court hereby
3 ORDERS as follows:

4 1. The above-captioned actions are hereby consolidated for all purposes
5 into one action before the Honorable Margaret M. Morrow.

6 2. The above-captioned actions shall be referred to herein as the
7 “Consolidated Action.”

8 3. All papers and documents previously served and filed in both of the
9 cases consolidated herein are deemed filed and served and are a part of the record in
10 the Consolidated Action.

11 4. Every pleading in this Consolidated Action shall bear the following
12 caption:

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA-WESTERN DIVISION

IN RE NJOY, INC. CONSUMER CLASS)	Case No. CV 14-00428-MMM (RZx)
ACTION LITIGATION)	
)	

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18 5. Plaintiffs in the Consolidated Action will file an amended consolidated
19 complaint (the “Amended Consolidated Complaint”) within thirty (30) days of the
20 entry by the Court of this Stipulation and the [Proposed] Order. Defendants shall
21 respond to the Amended Consolidated Complaint only, and shall have no obligation
22 to respond to any other complaint previously filed in either of the above-captioned
23 actions.

24 6. Defendants shall respond to the Amended Consolidated Complaint
25 within thirty (30) days of its filing with the Court.

26 7. If Defendants respond to the Amended Consolidated Complaint in the
27

1 form of a motion, the parties agree to meet and confer on a briefing and hearing
2 schedule before it is filed. Plaintiffs shall have at least thirty (30) days to respond to
3 Defendants' motion and Defendants shall have twenty-one (21) days to reply, unless
4 otherwise agreed upon by the parties or ordered by the Court.

5 8. The Court requests the assistance of all counsel in calling to the
6 attention of the Clerk in this Court the filing or transfer of any case which might
7 properly be consolidated as part of this Consolidated Action.

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9 IT IS SO ORDERED.

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11 DATED: April 29, 2014

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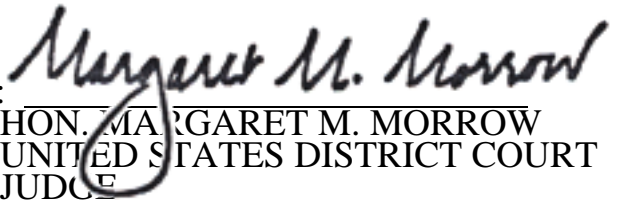
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By: 
HON. MARGARET M. MORROW
UNITED STATES DISTRICT COURT
JUDGE

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DECLARATION REGARDING CONCURRENCE

I, Jordanna Thigpen, am the ECF/CM User whose identification and password are being used to file this [Proposed] Order Consolidating Actions. In compliance with L.R. 5-4.3.4(2)(i), I hereby attest that Janine L. Pollack, Jeff S. Westerman, Eduard Korsinsky, Brian D. Chase, and Paul L. Gale have concurred in this filing's content and have authorized its filing.

DATED: April 25, 2014 By: /s/ Jordanna G. Thigpen
Jordanna G. Thigpen