

1 Jonathan D. Miller (State Bar No. 220848)
2 Holly C. Blackwell (State Bar No. 224941)
3 Jacob H. Mensch (State Bar No. 268006)
4 **NYE, PEABODY, STIRLING, HALE & MILLER, LLP**
5 33 West Mission Street, Suite 201
6 Santa Barbara, California 93101
7 Telephone: (805) 963-2345
8 Facsimile: (805) 563-5385

9 Attorneys for Plaintiff and the Proposed Class
10 (Additional Counsel Listed on Signature Page)

11 Bryn M. McDonough (State Bar No. 281023)
12 Bryn.mcdonough@lw.com
13 **LATHAM & WATKINS LLP**
14 355 South Grand Avenue
15 Los Angeles, California 90071-1560
16 Telephone: (213) 485-1234
17 Facsimile: (213) 891-8763

18 Attorneys for Defendants
19 (Additional Counsel Listed on Signature Page)

20 **UNITED STATES DISTRICT COURT**
21 **CENTRAL DISTRICT OF CALIFORNIA**
22 **(WESTERN DIVISION)**

23 THOMAS FLOWERS, On Behalf of
24 Himself and All Others Similarly
25 Situated,

26 Plaintiffs,

27 vs.

28 SCHIFF NUTRITION, SCHIFF
NUTRITION INTERNATIONAL
INC., SCHIFF NUTRITION GROUP,
INC., RECKITT BENCKISER
PHARMACEUTICALS INC., and
RECKITT BENCKISER NORTH
AMERICA, LLC,

Defendants.

Case No. 2:13-cv-09406-MWF-MRW

CLASS ACTION

JOINT STATUS REPORT

Plaintiff Thomas Flowers (“Plaintiff”) and Defendants Schiff Nutrition,
Schiff Nutrition International Inc., Schiff Nutrition Group, Inc., Reckitt Benckiser
Pharmaceuticals Inc. and Reckitt Benckiser North America, LLC (collectively,

1 “Defendants”), by and through their counsel of record hereby submit the following
2 status report:

3 1. On August 28, 2014, the Court entered the parties’ stipulation
4 requesting a stay of this case until December 15, 2014 in light of the fact that
5 Defendants had recently entered into a settlement in the case captioned Lerma, et
6 al. v. Schiff Nutrition International, Inc., et al., Case No. 3:11-cv-01056-CAB-
7 MDD (S.D. Cal. filed May 13, 2011) (“Lerma”) that, if approved, would settle the
8 claims raised by Plaintiff in this matter. See Aug. 28, 2014 Minute Order (Dkt.
9 #31).

10 2. Pursuant to the terms of that order, Plaintiff and Defendants hereby
11 provide the following further joint report regarding the status of the Lerma
12 settlement. See Aug. 28, 2014 Minute Order (Dkt. #31).

13 3. On November 24, 2014, Magistrate Judge Dembin, who is handling
14 all proceedings in Lerma, entered an order preliminarily approving the settlement
15 in Lerma. See Order of Preliminary Approval of Class Settlement, Lerma, Case
16 No. 3:11-cv-01056-MDD (S.D. Cal. filed Nov. 24, 2014), Ex. A hereto.

17 4. In light of the continued proceedings in the Lerma settlement, the
18 parties respectfully request that this case continue to be stayed until March 31,
19 2015, at which time the parties will provide a further joint status report regarding
20 the Lerma settlement and whether continued proceedings are necessary in this
21 case.

22 DATED: November 25, 2014 **NYE, PEABODY, STIRLING, HALE &**
23 **MILLER, LLP**

24 By: /s/ Jonathan Miller
Jonathan Miller

25
26 Jonathan D. Miller (State Bar No. 220848)
27 Holly C. Blackwell (State Bar No. 224941)
28 Jacob H. Mensch (State Bar No. 268006)
NYE, PEABODY, STIRLING, HALE &
MILLER, LLP
33 West Mission Street, Suite 201

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Santa Barbara, California 93101
Telephone: (805) 963-2345
Facsimile: (805) 563-5385

Benhamin J. Sweet (*Pro Hac Pending*)
Edwin J. Kilpela Jr. (*Pro Hac Pending*)
200 First Avenue, Suite 300
Pittsburgh, Pennsylvania 15222
Telephone: (412) 261-2393
Facsimile: (412) 261-2110

R. Bruce Carlson (*Pro Hac Pending*)
Stephanie Goldin (*Pro Hac Pending*)
Jamisen Etzel (*Pro Hac Pending*)
CARLSON LUNCH LTD
PNC Park
115 Federal Street, Suite 201
Pittsburgh, Pennsylvania 15212
Telephone: (412) 322-9243
Facsimile: (412) 231-0246

Attorneys for Plaintiff and Proposed Class

DATED: November 25, 2014

LATHAM & WATKINS LLP

By: /s/Kathleen P. Lally

Kathleen P. Lally

One of the attorneys for Defendants
Bryn M. McDonough (State Bar No. 281023)
Bryn.mcdonough@lw.com
LATHAM & WATKINS LLP
355 South Grand Avenue
Los Angeles, California 90071-1560
Telephone: (213) 485-1234
Facsimile: (213) 891-8763

Mark S. Mester (*pro hac vice*)
mark.mester@lw.com
Kathleen P. Lally (*pro hac vice*)
kathleen.lally@lw.com
LATHAM & WATKINS LLP
330 North Wabash, Suite 2800
Chicago, Illinois 60611
Telephone: (312) 876-7700
Facsimile: (312) 993-9767