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15 UNITED STATES DISTRICT COURT
16 CENTRAL DISTRICT OF CALIFORNIA
17 SOUTHERN DIVISION

18 Josette Ruhnke, an individual; Cindy
Verity, an individual; on behalf of
19 themselves and all others similarly
situated,

20 Plaintiffs,

21 vs.

22 Allergan Sales, LLC, a Delaware
23 Corporation (as Successor-In-Interest to
SkinMedica, Inc. and doing business as
24 "SkinMedica"), and Allergan, Inc., a
Delaware Corporation;

25 Defendants.
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Case No. 8:14-cv-00420 DOC (RNBx)

**JOINT STIPULATION TO STAY
CASE**

*[PROPOSED ORDER FILED
CONCURRENTLY HEREWITH]*

Judge: Hon. David O. Carter
Crtrm: 9D

Complaint filed: March 19, 2014

1 In furtherance of judicial economy and to avoid potentially unnecessary
2 expense, Plaintiffs Josette Ruhnke and Cindy Verity (collectively, “Plaintiffs”), and
3 Defendants Allergan Sales, LLC and Allergan, Inc. (collectively, “Defendants,” and
4 together with Plaintiffs, the “Parties”), jointly wish to stay all proceedings and
5 deadlines in this litigation pending the United States Court of Appeals for the Ninth
6 Circuit’s ruling in *Jones v. ConAgra Foods, Inc.* Accordingly, by and through their
7 attorneys, the Parties stipulate as follows:

8 WHEREAS, *Jones v. ConAgra Foods, Inc.*, No. 12-01633 CRB, 2014 WL
9 2702726 (N.D. Cal. Jun. 13, 2014) appeal docketed, No. 14-16327 (9th Cir. 2014),
10 is currently pending on appeal before the United States Court of Appeals for the
11 Ninth Circuit, with all briefs having been submitted;

12 WHEREAS, the Ninth Circuit’s ruling in *Jones* may implicate issues
13 affecting class certification in this case, including (a) Plaintiffs’ standing to seek
14 injunctive relief and certify an injunctive relief class under Federal Rule of Civil
15 Procedure 23(b)(2), (b) the standard for determining whether a class is ascertainable,
16 and (c) the extent to which individual issues of damages may impact class
17 certification under Rule 23(b)(3);

18 WHEREAS, courts within the Ninth Circuit have recently stayed cases
19 pending the Ninth Circuit’s decision in *Jones* for the reasons stated above. *See, e.g.*,
20 *Pardini v. Unilever United States, Inc.*, No. 13-CV-01675–SC, 2015 WL 1744340
21 (N.D. Cal. Apr. 15, 2015) (court granted plaintiffs’ motion to stay case); *Allen v.*
22 *ConAgra Foods, Inc.*, No. 13-CV-01279-VC, Dkt. No. No. 152 (N.D. Cal. Feb. 20,
23 2015) (case stayed pursuant to parties’ joint stipulation); *Swearingen v. ConAgra*
24 *Foods, Inc.*, No. 13- CV-05322, Dkt. No. 36 (N.D. Cal. Jan. 9, 2015) (case stayed
25 pursuant to parties’ joint stipulation); *Gustavson v. Mars, Inc.*, No. 13-CV-04537-
26 LHK, 2014 WL 6986421 (N.D. Cal. Dec. 10, 2014) (court granted defendant’s
27 motion to stay case); *Parker v. J.M. Smucker Co.*, No. 13-CV-00690-SC, Dkt. No.
28 74 (N.D. Cal. Dec. 18, 2014) (case stayed *sua sponte*);

1 WHEREAS, no party will suffer damage, hardship, or inequity from a stay of
2 this case;

3 WHEREAS, the Parties believe that considerations of judicial economy
4 weigh heavily in favor of a stay;

5 WHEREAS, the Parties agree to stay all proceedings and deadlines in this
6 case until resolution of the *Jones* appeal;

7 WHEREAS, the Parties agree that Plaintiffs may withdraw their recently filed
8 Motion for Class Certification (Dkt. No. 87) without prejudice to Plaintiffs filing a
9 renewed motion for class certification and without limiting Plaintiffs to their current
10 motion and supporting papers;

11 WHEREAS, the Parties agree that the hearing on Plaintiffs' Motion for Class
12 Certification, currently scheduled for August 10, 2015, should be taken off-calendar;

13 WHEREAS, within fourteen (14) days of the resolution of the *Jones* appeal in
14 the Ninth Circuit, the Parties agree to file a notice of the decision with the Court,
15 together with a joint statement outlining their future plans with respect to the motion
16 for class certification and other case deadlines;

17 NOW THEREFORE, the Parties, by and through their respective counsel,
18 hereby stipulate and agree, and request that the Court enter an Order, as follows:

19 1. All proceedings and deadlines in this case shall be stayed pending
20 resolution of the appeal in *Jones v. ConAgra Foods, Inc.*;

21 2. Plaintiffs' Motion for Class Certification (Dkt. No. 87) shall be
22 withdrawn without prejudice to Plaintiffs filing a renewed motion for class
23 certification and without limiting Plaintiffs to their current motion and supporting
24 papers;

25 3. The hearing on Plaintiffs' Motion for Class Certification, scheduled for
26 August 10, 2015, should be taken off-calendar;

27 4. Within fourteen (14) days of the resolution of the *Jones* appeal, the
28 Parties shall file a notice of the decision with the Court, together with a joint

1 statement outlining their future plans with respect to the motion for class
2 certification and other case deadlines.

3 *****

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5 Dated: May 27, 2015

HAGENS BERMAN SOBOL SHAPIRO
LLP

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15 *Attorneys for Plaintiffs and the
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17 Dated: May 27, 2015

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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION**

JOSETTE RUHNKE, an individual;
CINDY VERITY, an individual; on
behalf of themselves and all others
similarly situated,

Plaintiffs,

vs.

ALLERGAN SALES, LLC, a Delaware
Corporation (as Successor-In-Interest to
SkinMedica, Inc. and doing business as
“SkinMedica”), and ALLERGAN,
INC., a Delaware Corporation;

Defendants.

No. 8:14-CV-00420-DOC (RNBx)

**[PROPOSED] ORDER STAYING
CASE**

Judge: Hon. David O. Carter

[PROPOSED] ORDER

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Upon consideration of the Parties' Joint Stipulation to Stay Case, and good cause appearing therefore;

It is HEREBY ORDERED that:

1. All proceedings and deadlines in this case shall be stayed pending resolution of the appeal in *Jones v. ConAgra Foods, Inc.*, No. 12-01633 CRB, 2014 WL 2702726 (N.D. Cal. Jun. 13, 2014) appeal docketed, No. 14-16327 (9th Cir. 2014);

2. Plaintiffs' Motion for Class Certification (Dkt. No. 87) shall be withdrawn without prejudice to Plaintiffs filing a renewed motion for class certification and without limiting Plaintiffs to their existing motion and supporting papers;

3. The hearing on Plaintiffs' Motion for Class Certification, scheduled for August 10, 2015, is hereby taken off-calendar;

4. Within fourteen (14) days of the resolution of the *Jones* appeal, the Parties shall file a notice of the decision with the Court, together with a joint statement outlining their future plans with respect to the motion for class certification and other case deadlines.

IT IS SO ORDERED.

DATED: _____

HON. DAVID O. CARTER