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8 Attorneys for Plaintiff
9 MICHAEL J. OTTO individually, and
on behalf of other members of
10 the public similarly situated

11 UNITED STATES DISTRICT COURT
12 CENTRAL DISTRICT OF CALIFORNIA
13
14 EASTERN DIVISION

15
16 MICHAEL J. OTTO, individually, and on
behalf of other members of the general
17 public similarly situated,

18 Plaintiff,

19
20 v.

21 ABBOTT LABORATORIES, INC., a
22 Delaware Corporation, d/b/a Abbott
23 Nutrition,

24 Defendant.

Case No.: 5:12-cv-01411-SVW(DTBx)
CLASS ACTION

**PLAINTIFF'S NOTICE OF APPEAL
AND REPRESENTATION
STATEMENT**

District Judge: Hon. Stephen V. Wilson
Magistrate: Hon. David T. Bristow

Action Filed: August 22, 2012
Trial Date: None Set

NOTICE OF APPEAL

1
2 Notice is hereby given that Plaintiff Michael J. Otto, individually and on behalf of
3 other similarly situated members of the public (“Plaintiff”), hereby appeals to the United
4 States Court of Appeals for the Ninth Circuit from the March 15, 2016 final order and
5 judgment dismissing this action, with prejudice (Dkts. 271, 272), and all decisions
6 subsumed in that order, including, but not limited to, the following:

- 7 1) the March 15, 2013 order granting Defendant’s motion to dismiss, denying
- 8 Defendant’s motion to strike, and denying Defendant’s motion to stay (Dkt. 53);
- 9 2) the August 2, 2013 in order granting in part Defendant’s motion to dismiss (Dkt.
- 10 67);
- 11 3) the January 28, 2015 order granting Defendant’s motion to deny class
- 12 certification (Dkt. 219); and
- 13 4) the September 29, 2015 order denying Plaintiff’s motion for class certification
- 14 (Dkt. 256).
- 15

16 Dated: March 15, 2016

BARON & BUDD, P.C.

17
18 By: /s/ Mark Pifko
Mark Pifko

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28 and on behalf of other members of
the public similarly situated

1 **REPRESENTATION STATEMENT**

2 Under Circuit Rule 3-2(b), counsel for the parties are listed below with their
3 corresponding addresses and telephone numbers.

4 **I. Counsel for Plaintiff and Appellant**

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14 **II. Counsel for Defendant and Appellee**

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1 Dated: March 15, 2016

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