

1 ERICH P. SCHORK (*pro hac vice*)
2 e.schork@barnowlaw.com
3 BARNOW AND ASSOCIATES, P.C.
4 1 North LaSalle Street, Suite 4600
5 Chicago, IL 60602
6 Tel: (312) 621-2000
7 Fax: (312) 641-5504

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8 DAVID C. PARISI (SBN 162248)
9 parisi@parisihavens.com
10 SUZANNE HAVENS BECKMAN (SBN 188814)
11 Shavens@parisihavens.com
12 PARISI & HAVENS LLP
13 212 Marine Street, Suite 100
14 Santa Monica, CA 90405
15 Tel: (818) 990-1299
16 Fax: (818) 501-7852

17 Attorneys for Plaintiffs and Proposed Interim Co-
18 Lead Counsel

19 **UNITED STATES DISTRICT COURT**
20 **CENTRAL DISTRICT OF CALIFORNIA**

21 DARREN EISENLORD,
22 individually and on behalf of a class
23 of similarly situated individuals,

24 Plaintiff,

25 v.

26 THE QUAKER OATS COMPANY;
27 and DOES 1 through 5,

28 Defendant.

Case No. 2:16-cv-01442-PSG-MRW

CLASS ACTION

[PROPOSED] ORDER
CONSOLIDATING CASES AND
APPOINTING PLAINTIFFS'
INTERIM CO-LEAD COUNSEL
AND PLAINTIFFS' EXECUTIVE
COMMITTEE

Judge: Hon. Philip S. Gutierrez

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BARBARA GATES, individually
and on behalf of all others similarly
situated,

Plaintiff,

v.

THE QUAKER OATS COMPANY,

Defendant.

No. 2:16-cv-05765-PSG-MRW

KEVIN PHUNG, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

THE QUAKER OATS COMPANY,
a New Jersey corporation,

Defendant.

No: 2:17-cv-00499-PSG-MRW

COURTNEY DREY, individually
and on behalf of all others similarly
situated,

Plaintiff,

v.

THE QUAKER OATS COMPANY,

Defendant.

No. 2:17-cv-00943-PSG-MRW

1 The Court, having considered the parties’ Stipulation Consolidating Cases And
2 Appointing Plaintiffs’ Interim Co-Lead Counsel And Plaintiffs’ Executive Committee,
3 and good cause appearing therefor, **HEREBY ORDERS THAT:**

4 1. The following actions are hereby consolidated for all purposes:

5 *Eisenlord v. The Quaker Oats Co.*, No. 2:16-cv-1442

6 *Gates v. The Quaker Oats Co.*, No. 2:16-cv-05765

7 *Phung v. The Quaker Oats Co.*, No. 2:17-cv-00499

8 *Drey v. The Quaker Oats Co.*, No. 2:17-cv-00943

9 2. The caption of this consolidated action shall be “*In re Quaker Oats Maple*
10 *& Brown Sugar Instant Oatmeal Litigation*,” and the files of this consolidated action
11 shall be maintained in one file, under Master File No. 2:16-cv-1442. Any other actions
12 now pending in, later filed in, or transferred to this Court which arise out of, or are related
13 to, the same facts as alleged in the above-referenced cases shall be consolidated for all
14 purposes, if and when they are brought to the Court’s attention.

15 3. Every pleading filed in this consolidated action shall bear the following
16 caption:

17 UNITED STATES DISTRICT COURT
18 FOR THE CENTRAL DISTRICT OF CALIFORNIA
19

20 In re Quaker Oats Maple & Brown)
21 Sugar Instant Oatmeal Litigation,) Master File No. 2:16-cv-1442

22 4. A Master Docket and a Master File are hereby established for the above
23 consolidated proceedings, and for all other related cases filed in or transferred to this
24 Court.

25 5. When a case which properly belongs as part of *In re Quaker Oats Maple &*
26 *Brown Sugar Instant Oatmeal Litigation*, is filed in this Court or transferred to this Court
27 from another court, the clerk of this Court shall:

1 (a) Place a copy of this Order in the separate file for such action;

2 (b) Mail to the attorneys for the plaintiff(s) in the newly-filed or
3 transferred case a copy of this Order and direct that this Order be served
4 upon or mailed to any new defendant(s) or their counsel in the newly-filed
5 or transferred case; and

6 (c) Make an appropriate entry on the Master Docket. This Court requests
7 the assistance of counsel in calling to the attention of the clerk of this
8 Court the filing or transfer of any case which properly might be
9 consolidated as part of *In re Quaker Oats Maple & Brown Sugar Instant*
10 *Oatmeal Litigation*.

11 6. Erich P. Schork and David C. Parisi are hereby appointed as Plaintiffs'
12 Interim Co-Lead Counsel to act on behalf of Plaintiffs in the consolidated action,
13 including any plaintiffs subsequently governed by this Order, with the responsibilities
14 hereinafter prescribed. Thomas A. Zimmerman, Jr. and David Pastor are hereby
15 appointed to serve on the Plaintiffs' Executive Committee.

16 7. Plaintiffs' Co-Lead Counsel shall have day-to-day responsibility for the
17 conduct of the consolidated litigation; shall determine how to prosecute the case and
18 shall initiate, coordinate and supervise the efforts of plaintiffs' counsel in the
19 consolidated action in the areas of discovery, briefing, trial and settlement.

20 8. Plaintiffs' Co-Lead Counsel may delegate responsibility for specific tasks
21 to Plaintiffs' Executive Committee members and other Plaintiffs' counsel in the
22 consolidated action in a manner to assure that pretrial preparation is conducted
23 effectively, efficiently and economically; shall assist in maintaining communication
24 among counsel; and shall monitor the activities of plaintiffs' counsel to assure that
25 schedules are met and unnecessary expenditures of time and money are avoided.
26 Plaintiffs' Co-Lead Counsel shall perform any additional functions that may be assigned
27 to them by the Court. Agreements reached between Defendant and Plaintiffs' Co-Lead
28 Counsel are binding on all plaintiffs and their counsel. No discovery shall be served, and
no motion shall be filed, by any Plaintiffs' counsel other than Plaintiffs' Co-Lead
Counsel, unless leave of Court is obtained.

1 9. Service of all papers filed with the Court shall be accomplished by e-filing,
2 and no other type of service shall be required. Service of all papers that are not filed with
3 the Court shall be accomplished by Plaintiffs' Co-Lead Counsel serving defendant's
4 counsel, and by defendant serving Plaintiffs' Co-Lead Counsel, as applicable, by either:
5 (i) overnight mail service; or (ii) hand delivery. Whenever feasible, the serving party
6 shall send courtesy copies simultaneously via e-mail in PDF format.

7 10. Plaintiffs shall file a Master Consolidated Complaint within 14 days after
8 the entry of this Order. Upon the filing of a Master Consolidated Complaint, counsel for
9 plaintiffs Aliano and Saenz will voluntarily dismiss the actions captioned *Aliano v.*
10 *Quaker Oats Co.*, No. 16-cv-3087 (N.D. Ill.) and *Saenz v. Quaker Oats Co.*, No. 16-cv-
11 7395 (N.D. Ill.) within five days.

12 11. Defendant shall answer or otherwise respond to the Master Consolidated
13 Complaint within 45 days of service thereof.

14
15 **SO ORDERED.**

16 **Date:** 5/30/17

PHILIP S. GUTIERREZ

HON. PHILIP S. GUTIERREZ
U.S. DISTRICT JUDGE