

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA (Eastern Division – Riverside)  
CIVIL DOCKET FOR CASE #: 5:12-cv-01983-TJH-DTB**

Adam Parker et al v. Monavie Inc et al  
Assigned to: Judge Terry J. Hatter, Jr  
Referred to: Magistrate Judge David T. Bristow  
Cause: 28:1332 Diversity–Fraud

Date Filed: 11/13/2012  
Date Terminated: 07/10/2017  
Jury Demand: Both  
Nature of Suit: 370 Other Fraud  
Jurisdiction: Diversity

**Plaintiff**

**Adam Parker**  
*on behalf of themselves and all others similarly  
situated*

represented by **Brian T Kreisler**  
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**Sara D Avila**

**Plaintiff**

**Andrew Harbut**

*on behalf of themselves and all others similarly  
situated*

represented by **Brian T Kreisler**

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**Michael R Reese**

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**Sara D Avila**

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V.

**Defendant**

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represented by **Eric Y Kizirian**

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**Defendant**

**Monavie LLC**

represented by **Eric Y Kizirian**

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*LEAD ATTORNEY*

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**Jon P Kardassakis**

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**Scott D Goldsmith**

(See above for address)

*ATTORNEY TO BE NOTICED*

**Defendant**

**Juicy Acai LLC**

*TERMINATED: 03/08/2017*

Date Filed	#	Docket Text
11/13/2012	<u>1</u>	CLASS ACTION COMPLAINT against Defendants Juicy Acai LLC, Monavie Inc, Monavie LLC. Case assigned to Judge Terry J. Hatter, Jr for all further proceedings. Discovery referred to Magistrate Judge Oswald Parada. (Filing fee \$ 350 PAID.) Jury Demanded., filed by Plaintiffs Adam Parker, Andrew Harbut.(et) (mg). (Entered: 11/15/2012)
11/13/2012	<u>1</u>	21 DAY Summons Issued re Complaint – (Discovery) <u>1</u> as to Defendants Juicy Acai LLC, Monavie Inc, Monavie LLC. (et) (Entered: 11/15/2012)
11/13/2012	<u>2</u>	CERTIFICATION AND NOTICE of Interested Parties filed by Plaintiffs Andrew Harbut, Adam Parker. (et) (mg). (Entered: 11/15/2012)
11/13/2012	<u>3</u>	DECLARATION of ADAM PARKER pursuant to California Civil Code Section 1780(d) filed by Plaintiffs Andrew Harbut, Adam Parker. (et) (mg). (Entered: 11/15/2012)
11/13/2012	<u>4</u>	NOTICE TO PARTIES OF COURT–DIRECTED ADR PROGRAM filed. (et) (Entered: 11/15/2012)
11/15/2012	<u>5</u>	NOTICE OF FILING FEE DUE on Pro Hac Vice Application mailed to Brian T. Kreisler for Plaintiffs Andrew Harbut, Adam Parker. Your Pro Hac Vice application has not been received by the court. Please return your completed Application of Non–Resident Attorney to Appear in a Specific Case, form G–64, or a copy of the Notice of Electronic Filing of your application and the \$325.00 fee and this notice immediately. Out–of–state federal government attorneys who are not employed by the U.S. Department of Justice are required to file a Pro Hac Vice application; no filing fee is required. (et) (Entered: 11/15/2012)
11/16/2012	<u>6</u>	MINUTE ORDER (IN CHAMBERS) NEW CASE BEFORE JUDGE HATTER by Judge Terry J. Hatter, Jr. This action has been assigned to the calendar of Judge Hatter. Additional information about Judge Hatter's procedures and schedules can be found on the court's website. COUNSEL READ THIS ORDER CAREFULLY. (ys) (Entered: 11/16/2012)
11/27/2012	<u>7</u>	CLERKS E–MAIL RE LOCAL RULE 3–2 TO COUNSEL on 11/27/12 addressed to mreese@reese-richman.com. COURT REQUIRES YOUR IMMEDIATE RESPONSE. Pursuant to Local Rule 3–2, you are required to e–mail, within 24 hours of filing, a Filed stamped copy of your complaint and other civil case initiating documents, in PDF format to the Court. To date, we have not received the PDF images of your filing. Please do so within 24 hours or this matter will be referred to the Judge for further proceedings. (mg) (Entered: 11/27/2012)
11/27/2012	<u>8</u>	PDF DOCUMENTS RECEIVED RE LOCAL RULE 3–2. The following PDF Documents were received by the Court on 11/27/12: initiating documents. (mg) (Entered: 11/27/2012)
11/27/2012	<u>9</u>	PDF DOCUMENTS ATTACHED TO DOCKET RE LOCAL RULE 3–2. The following PDF Documents were attached to the Court docket on 11/27/12: initiating documents. (mg) (Entered: 11/27/2012)
12/27/2012	<u>10</u>	APPLICATION for attorney Brian T. Kreisler to Appear Pro Hac Vice (PHV FEE NOT PAID.) filed by Plaintiffs Andrew Harbut, Adam Parker. (Attachments: # <u>1</u> Certificate of Good Standing, # <u>2</u> Proposed Order)(Reese, Michael) (Entered: 12/27/2012)
01/08/2013	<u>11</u>	STIPULATION Extending Time to Answer the complaint as to Monavie LLC answer now due 2/5/2013; Monavie Inc answer now due 2/5/2013, re Complaint – (Discovery), Complaint – (Discovery) <u>1</u> filed by Defendants Monavie LLC; Monavie Inc.(Kardassakis, Jon) (Entered: 01/08/2013)
01/18/2013	<u>12</u>	

		ORDER by Judge Terry J. Hatter, Jr: granting <u>10</u> Application to Appear Pro Hac Vice by Attorney Brian T. Kreisler on behalf of Plaintiffs, designating Michael R. Reese as local counsel. (lt) (Entered: 01/22/2013)
02/05/2013	<u>13</u>	PROOF OF SERVICE Executed by Plaintiff Adam Parker, Andrew Harbut, upon Defendant Juicy Acai LLC served on 1/21/2013, answer due 2/11/2013. Service of the Summons and Complaint were executed upon Lidda Doe, co-occupant of residence in compliance with California Code of Civil Procedure by substituted service at home address and by also mailing a copy. Original Summons NOT returned. (Reese, Michael) (Entered: 02/05/2013)
02/05/2013	<u>14</u>	PROOF OF SERVICE Executed by Plaintiff Adam Parker, Andrew Harbut, upon Defendant Monavie Inc served on 12/18/2012, answer due 2/5/2013. Service of the Summons and Complaint were executed upon Christina Lofland, Defendant's Assistant in compliance with statute not specified by service on a domestic corporation, unincorporated association, or public entity. Original Summons NOT returned. (Reese, Michael) (Entered: 02/05/2013)
02/05/2013	<u>15</u>	PROOF OF SERVICE Executed by Plaintiff Adam Parker, Andrew Harbut, upon Defendant Monavie LLC served on 12/18/2012, answer due 2/5/2013. Service of the Summons and Complaint were executed upon Christina Lofland, Defendant's Assistant in compliance with statute not specified by personal service. Original Summons NOT returned. (Reese, Michael) (Entered: 02/05/2013)
02/05/2013	<u>16</u>	NOTICE OF MOTION AND MOTION to Dismiss Case filed by Defendants Monavie Inc, Monavie LLC. (Attachments: # <u>1</u> Memorandum of Points and Authorities In Support Of Their Motion to Dismiss, # <u>2</u> Exhibit A and B to Memorandum, # <u>3</u> Proposed Order Granting Motion to Dismiss)(Kardassakis, Jon) (Entered: 02/05/2013)
02/20/2013	<u>17</u>	OPPOSITION to MOTION to Dismiss Case <u>16</u> filed by Plaintiff Adam Parker. (Reese, Michael) (Entered: 02/20/2013)
02/26/2013	<u>18</u>	FIRST AMENDED CLASS ACTION COMPLAINT against Defendants Monavie, Inc., Monavie LLC, and Juicy Acai, LLC; amending Class Action Complaint <u>1</u> ; with Jury Demand filed by Plaintiffs Adam Parker and Andrew Harbut. (gk) (Entered: 02/27/2013)
03/04/2013	<u>19</u>	Joint STIPULATION for Extension of Time to File Motion for Class Certification filed by Plaintiff Andrew Harbut. (Attachments: # <u>1</u> Proposed Order)(Reese, Michael) (Entered: 03/04/2013)
03/06/2013	<u>20</u>	MINUTES OF IN CHAMBERS ORDER AND NOTICE TO ALL PARTIES by Judge Terry J. Hatter, Jr.: The Court is in receipt of Plaintiff's First Amended Class action Complaint, filed on 2/26/2013 <u>18</u> . The Court notifies all parties that the Defendant's Motion to Dismiss filed on 2/5/2013 <u>16</u> is hereby ordered MOOT. Court Reporter: Not Reported. (gk) (Entered: 03/07/2013)
03/08/2013	<u>21</u>	ORDER ON STIPULATION REGARDING LOCAL RULE 23-3 DEADLINE TO FILE MOTION FOR CLASS CERTIFICATION by Judge Terry J. Hatter, Jr: Upon Stipulation <u>19</u> , IT IS HEREBY ORDERED that the date for plaintiff to file his motion for class certification is extended to 7/23/2013. (gk) (Entered: 03/08/2013)
03/18/2013	<u>22</u>	STIPULATION Extending Time to Answer the complaint as to Monavie LLC answer now due 4/4/2013; Monavie Inc answer now due 4/4/2013, re Amended Complaint <u>18</u> filed by defendants Monavie LLC; Monavie Inc. (Attachments: # <u>1</u> Proposed Order Granting Stipulated Request To Extend Time To Respond To First Amended Complaint)(Kardassakis, Jon) (Entered: 03/18/2013)
03/29/2013	<u>23</u>	ORDER GRANTING STIPULATED REQUEST TO EXTEND TIME TO RESPOND TO FIRST AMENDED COMPLAINT by Judge Terry J. Hatter, Jr.: Upon Stipulation <u>22</u> , Defendants MonaVie, Inc.'s, and MonaVie, LLC's response to Plaintiff's First Amended Complaint <u>18</u> is DUE BY 4/4/2013. (gk) (Entered: 03/29/2013)

04/04/2013	<u>İ 24</u>	NOTICE OF MOTION AND MOTION to Dismiss Case <i>First Amended Complaint</i> filed by defendants Monavie Inc, Monavie LLC. (Attachments: # <u>1</u> Memorandum Of Points And Authorities In Support Of Their Motion To Dismiss Plaintiff's First Amended Complaint [F.R.C.P. 12(b)(6) and 9(b)], # <u>2</u> Exhibit A – C to Memorandum of Points and Authorities, # <u>3</u> Proposed Order Granting Monavie, Inc. and Monavie, LLC's Motion To Dismiss Plaintiff's First Amended Complaint)(Kardassakis, Jon) (Entered: 04/04/2013)
04/29/2013	<u>İ 25</u>	JOINT REPORT Rule 26(f) Discovery Plan <i>OF CERTAIN PARTIES</i> filed by Plaintiff Andrew Harbut.. (Reese, Michael) (Entered: 04/29/2013)
05/13/2013	<u>İ 26</u>	OPPOSITION to MOTION to Dismiss Case <i>First Amended Complaint 24</i> filed by Plaintiff Andrew Harbut. (Reese, Michael) (Entered: 05/13/2013)
05/16/2013	<u>İ 27</u>	PROOF OF SERVICE Executed by Plaintiff Andrew Harbut, upon Defendant Juickey Acai LLC served on 5/13/2013, answer due 6/3/2013. Service of the Summons and Complaint were executed upon Cynthia Kim – authorized agent for service at Spiegel & Utrera in compliance with Federal Rules of Civil Procedure by personal service. Original Summons NOT returned. (Reese, Michael) (Entered: 05/16/2013)
05/20/2013	<u>İ 28</u>	REPLY MonaVie, Inc. and MonaVie, LLC's Reply Brief In Support of Their Motion to Dismiss Plaintiff's First Amended Complaint MOTION to Dismiss Case <i>First Amended Complaint 24</i> filed by Defendants Monavie Inc, Monavie LLC. (Frackman, Steven) (Entered: 05/20/2013)
06/25/2013	<u>İ 29</u>	STIPULATION for Extension of Time to File Motion for Class Certification filed by defendants Monavie Inc, Monavie LLC. (Attachments: # <u>1</u> Proposed Order Granting Stipulated Request To Extend Time To File Class Certification Motion)(Kardassakis, Jon) (Entered: 06/25/2013)
06/27/2013	<u>İ 30</u>	ORDER GRANTING STIPULATED REQUEST TO EXTEND TIME TO FILE CLASS CERTIFICATION MOTION by Judge Terry J. Hatter, Jr <u>29</u> . The date for plaintiff to file his motion for class certification is extended to a date to be determined by the Court at the first status conference. (im) (Entered: 06/27/2013)
11/07/2013	<u>İ 31</u>	ORDER by Judge Terry J. Hatter, Jr.: It is Ordered that Defendant MonaVie, Inc.'s Motion to Dismiss for failure to state a claim <u>24</u> be, and hereby is, Denied. (gk) (Entered: 11/07/2013)
11/21/2013	<u>İ 32</u>	ANSWER to Amended Complaint <u>18</u> with JURY DEMAND filed by Defendants Monavie Inc, Monavie LLC.(Goldsmith, Scott) (Entered: 11/21/2013)
11/25/2013	<u>İ 33</u>	ORDER SETTING FINAL PRETRIAL CONFERENCE by Judge Terry J. Hatter, Jr., set for 2/3/2014 at 10:00 AM. (READ ORDER CAREFULLY) (ys) (Entered: 11/25/2013)
01/07/2014	<u>İ 34</u>	Joint STIPULATION to Reschedule Convert Final Pre–Trial Conference to First Status Conference to Set Discovery and Class Certification Briefing Schedule filed by Plaintiff Andrew Harbut. (Attachments: # <u>1</u> Proposed Order)(Reese, Michael) (Entered: 01/07/2014)
01/09/2014	<u>İ 35</u>	ORDER ON STIPULATION TO CONVERT FINAL PRE–TRIAL CONFERENCE TO A FIRST STATUS CONFERENCE TO SET DISCOVERY AND CLASS CERTIFICATION BRIEFING SCHEDULE by Judge Terry J. Hatter, Jr.: Upon Stipulation <u>34</u> , IT IS HEREBY ORDERED that the Final Pretrial Conference scheduled on 2/3/2014 10:00 AM before Judge Terry J. Hatter, Jr., is now a First Status Conference to set a discovery and class certification briefing schedule. (gk) (Entered: 01/09/2014)
01/27/2014	<u>İ 36</u>	MINUTE ORDER IN CHAMBERS by Judge Terry J. Hatter, Jr: NOTICE TO ALL PARTIES OF COURT ORDER. On the Court's own motion, the Status Conference, currently scheduled for February 3, 2014, is hereby ordered continued to February 10, 2014 at 10:00 a.m. (bp) (Entered: 01/28/2014)
01/31/2014	<u>İ 37</u>	

		Joint STIPULATION to Reschedule February 10, 2014 Initial Conference filed by Plaintiff Andrew Harbut. (Attachments: # <u>1</u> Proposed Order)(Reese, Michael) (Entered: 01/31/2014)
02/06/2014	<u>38</u>	ORDER by Judge Terry J. Hatter, Jr GRANTING STIPULATION REGARDING FEBRUARY 10, 2014 CONFERENCE <u>37</u> . The Status Conference is re-scheduled from 10:00 a.m. on February 10, 2014 to 10:00 a.m. on March 3, 2014; The Parties shall submit a proposed schedule regarding discovery and briefing on plaintiff's motion for class certification for the Courts consideration by February 7, 2014. (ps) (Entered: 02/06/2014)
02/07/2014	<u>39</u>	STIPULATION for Order ORDER ON STIPULATION FOR PROPOSED DISCOVERY SCHEDULE AND CLASS CERTIFICATION MOTION SCHEDULE filed by Defendants Monavie Inc. (Attachments: # <u>1</u> Proposed Order)(Goldsmith, Scott) (Entered: 02/07/2014)
02/12/2014	<u>41</u>	ORDER DISCOVERY AND CLASS CERTIFICATION SCHEDULE by Judge Terry J. Hatter, Jr., re Stipulation for Order <u>39</u> . The Status Conference set for March 3, 2014, is hereby vacated. (rne) (Entered: 02/13/2014)
02/13/2014	<u>40</u>	Joint STIPULATION for Protective Order filed by Defendants Monavie Inc, Monavie LLC. (Attachments: # <u>1</u> Proposed Order)(Goldsmith, Scott) (Entered: 02/13/2014)
02/21/2014	<u>42</u>	PROTECTIVE ORDER by Magistrate Judge Oswald Parada re Stipulation for Protective Order <u>40</u> . (See document for specifics) (mrgo) (Entered: 02/26/2014)
07/22/2014	<u>43</u>	STIPULATION to Extend Discovery Cut-Off Date to November 6, 2014 filed by Plaintiff Andrew Harbut. (Attachments: # <u>1</u> Proposed Order)(Reese, Michael) (Entered: 07/22/2014)
07/23/2014	<u>44</u>	ORDER ON STIPULATION REGARDING CLASS CERTIFICATION DISCOVERY AND BRIEFING by Judge Terry J. Hatter, Jr. <u>43</u> . The cut-off for class certification discovery is extended to November 6, 2014. Plaintiff's deadline to file a motion for class certification is November 6, 2014. SEE ORDER FOR MORE DEADLINES. (im) (Entered: 07/24/2014)
10/22/2014	<u>45</u>	NOTICE OF MOTION AND MOTION for attorney Kim Eleazer Richman to Appear Pro Hac Vice (PHV FEE - PAID SEE RECEIPT 0973-14656363.) filed by plaintiffs Andrew Harbut, Adam Parker. (Attachments: # <u>1</u> Proposed Order Proposed Order)(Reese, Michael. FEE PAID ON 10/22/14 BY MICHAEL REESE (SEE RECEIPT 0973-14656363. Modified on 10/22/2014 (ak). (Entered: 10/22/2014)
10/27/2014	<u>46</u>	ORDER by Judge Terry J. Hatter, Jr: DENYING <u>45</u> Motion to Appear Pro Hac Vice by Attorney Kim Richman on behalf of Plaintiffs, designating Michael R. Reese as local counsel. (lt) Modified on 10/27/2014 (lt). (Entered: 10/27/2014)
10/27/2014	<u>47</u>	NOTICE OF CLERICAL ERROR: Due to clerical error Re: Order on Motion to Appear Pro Hac Vice <u>46</u> was docketed as Granted, when it should have been docketed as Denied. (lt) (Entered: 10/27/2014)
11/03/2014	<u>48</u>	Joint STIPULATION for Extension of Time to File Briefing on Class Certification filed by Plaintiff Andrew Harbut. (Attachments: # <u>1</u> Proposed Order Proposed Order)(Reese, Michael) (Entered: 11/03/2014)
11/04/2014	<u>49</u>	NOTICE of Appearance filed by attorney Gillian L Wade on behalf of Plaintiffs Andrew Harbut, Adam Parker (Attorney Gillian L Wade added to party Andrew Harbut(pty:pla), Attorney Gillian L Wade added to party Adam Parker(pty:pla))(Wade, Gillian) (Entered: 11/04/2014)
11/04/2014	<u>50</u>	NOTICE of Appearance filed by attorney Sara D Avila on behalf of Plaintiffs Andrew Harbut, Adam Parker (Attorney Sara D Avila added to party Andrew Harbut(pty:pla), Attorney Sara D Avila added to party Adam Parker(pty:pla))(Avila, Sara) (Entered: 11/04/2014)
11/04/2014	<u>51</u>	

		APPLICATION for attorney KIM ELEAZER RICHMAN to Appear Pro Hac Vice(PHV Fee of \$325 receipt number 0973-14730820 paid.) filed by Plaintiffs Andrew Harbut, Adam Parker. (Attachments: # <u>1</u> Proposed Order on Application of Non-Resident Attorney To Appear in a Specific Case Pro Hac Vice)(Wade, Gillian) (Entered: 11/04/2014)
11/06/2014	<u>52</u>	ORDER by Judge Terry J. Hatter, Jr: granting <u>51</u> Application to Appear Pro Hac Vice by Attorney Kim E. Richman on behalf of Plaintiff, designating Gillian L. Wade as local counsel. (It) (Entered: 11/07/2014)
11/07/2014	<u>53</u>	ORDER ON STIPULATION REGARDING CLASS CERTIFICATION DISCOVERY AND BRIEFING by Judge Terry J. Hatter, Jr.: Upon Stipulation <u>48</u> , IT IS HEREBY ORDERED that: Plaintiff's deadline to file a motion for class certification is 1/6/2015. Defendants' deadline to file their opposition to Plaintiff's motion for class certification is 3/6/2015. Plaintiff's deadline to file a reply to Defendants' opposition to the motion for class certification is 4/6/2015. The parties shall complete remaining discovery within 120 days from the Court's ruling on Plaintiff's motion for class certification. (gk) (Entered: 11/07/2014)
01/06/2015	<u>54</u>	NOTICE OF MOTION AND MOTION to Certify Class filed by PLAINTIFF Andrew Harbut. (Attachments: # <u>1</u> Memorandum of Law in Support of Motion for Class Certification, # <u>2</u> Declaration of Michael R. Reese in Support of Motion for Class Certification, # <u>3</u> Exhibit 1, # <u>4</u> Exhibit 2, # <u>5</u> Exhibit 3, # <u>6</u> Exhibit 4, # <u>7</u> Exhibit 5, # <u>8</u> Exhibit 6, # <u>9</u> Exhibit 7, # <u>10</u> Exhibit 8, # <u>11</u> Exhibit 9, # <u>12</u> Exhibit 10, # <u>13</u> Exhibit 11, # <u>14</u> Exhibit 12)(Reese, Michael) (Entered: 01/06/2015)
03/06/2015	<u>55</u>	Opposition In Opposition re: MOTION to Certify Class <u>54</u> filed by Defendants Monavie Inc, Monavie LLC. (Attachments: # <u>1</u> Supplement Evidentiary Objections to Declaration of Michael R. Reese, # <u>2</u> Declaration Declaration of Graden Jackson in Support of Defendants' Oppositon to Plaintiff's Motion for Class Certification)(Goldsmith, Scott) (Entered: 03/06/2015)
03/06/2015	<u>56</u>	OPPOSITION In Opposition re: MOTION to Certify Class <u>54</u> <i>Appendix in Support of Defendants' Opposition to Plaintiff's Motion for Class Certification</i> filed by Defendants Monavie Inc, Monavie LLC. (Attachments: # <u>1</u> Declaration Declaration of Scott D. Goldsmith in Support of Defendants' Opposition to Plaintiff's Motion for Class Certification, # <u>2</u> Exhibit Ex A to Goldsmith Decl, # <u>3</u> Exhibit Ex B to Goldsmith Decl, # <u>4</u> Exhibit Ex C to Goldsmith Decl, # <u>5</u> Exhibit Ex D to Goldsmith Decl, # <u>6</u> Exhibit Ex E to Goldsmith Decl, # <u>7</u> Declaration Declaration of Frederick Paul Muehlmann in Support of Defendants' Opposition to Plaintiff's Motion for Class Certification, # <u>8</u> Exhibit Ex A to Muehlmann Decl, # <u>9</u> Exhibit Ex B to Muehlmann Decl, # <u>10</u> Exhibit Ex C to Muehlmann Decl, # <u>11</u> Exhibit Exh D to Muehlmann Decl)(Goldsmith, Scott) (Entered: 03/06/2015)
03/09/2015	<u>57</u>	NOTICE OF CHANGE OF LAW FIRM NAME filed by PLAINTIFF Andrew Harbut. (Reese, Michael) (Entered: 03/09/2015)
03/17/2015	<u>58</u>	NOTICE TO FILER OF DEFICIENCIES in Electronically Filed Documents RE: Notice (Other) <u>57</u> . The following error(s) was found: Incorrect event selected. The correct event is: Notice of Change of Address/Firm Name. In response to this notice the court may order (1) an amended or correct document to be filed (2) the document stricken or (3) take other action as the court deems appropriate. You need not take any action in response to this notice unless and until the court directs you to do so. (ak) (Entered: 03/17/2015)
04/06/2015	<u>59</u>	RESPONSE filed by Plaintiff Andrew Harbutto Objection/Opposition (Motion related), <u>55</u> (Reese, Michael) (Entered: 04/06/2015)
04/06/2015	<u>60</u>	REPLY support MOTION to Certify Class <u>54</u> <i>Reply in Support of Plaintiff's Motion for Class Certification</i> filed by Plaintiff Andrew Harbut. (Attachments: # <u>1</u> Declaration Declaration of George Granade in Support of Reply in Support of Plaintiff's Motion for Class Certification, # <u>2</u> Exhibit Exhibit 1 (under seal), # <u>3</u> Exhibit Exhibit 2 (under seal), # <u>4</u> Exhibit Exhibit 3 (under



seal))(Reese, Michael) (Entered: 04/06/2015)

04/06/2015	<u>Ī 61</u>	EX PARTE APPLICATION to Supplement Opposition to Plaintiff's Motion for Class Certification re Objection/Opposition (Motion related), <u>55</u> filed by Defendants Monavie Inc, Monavie LLC. (Attachments: # <u>1</u> Declaration Goldsmith Decl in Support of Ex Parte Application, # <u>2</u> Exhibit Ex A to Gold Decl, # <u>3</u> Exhibit Ex B to Gold Decl, # <u>4</u> Exhibit Ex C to Gold Decl, # <u>5</u> Exhibit Ex D to Gold Decl, # <u>6</u> Exhibit Ex E to Gold Decl, # <u>7</u> Exhibit Ex F to Gold Decl, # <u>8</u> Exhibit Ex G to Gold Decl, # <u>9</u> Proposed Order)(Goldsmith, Scott) (Entered: 04/06/2015)
04/07/2015	<u>Ī 62</u>	NOTICE of Manual Filing filed by Plaintiff Andrew Harbut of Application to File under Seal. (Reese, Michael) (Entered: 04/07/2015)
04/07/2015	<u>Ī 63</u>	OPPOSITION OPPOSITION re: EX PARTE APPLICATION to Supplement Opposition to Plaintiff's Motion for Class Certification re Objection/Opposition (Motion related), <u>55</u> <u>61</u> filed by Plaintiff Andrew Harbut. (Reese, Michael) (Entered: 04/07/2015)
04/07/2015	<u>Ī 65</u>	APPLICATION to Seal Portions of (1) Reply in support of Plaintiff's Motion for Class Certification and (2) Declaration fo George Granade in support thereof filed by plaintiffs Andrew Harbut, Adam Parker. Lodged Proposed Order. (jp) (Entered: 04/08/2015)
04/07/2015	<u>Ī 66</u>	DECLARATION of GEORGE GRANADE in support of APPLICATION to Seal Portions of (1) Reply in support of Plaintiff's Motion for Class Certification and (2) Declaration fo George Granade in support thereof <u>65</u> filed by Plaintiffs Andrew Harbut, Adam Parker. (jp) (Entered: 04/08/2015)
04/08/2015	<u>Ī 64</u>	PROOF OF SERVICE filed by plaintiff Andrew Harbut, re Notice of Manual Filing (G-92) <u>62</u> , Reply (Motion related), <u>60</u> served on April 7, 2015. (Reese, Michael) (Entered: 04/08/2015)
04/14/2015	<u>Ī 67</u>	ORDER by Judge Terry J. Hatter, Jr: denying <u>54</u> Motion to Certify Class Action; denying <u>61</u> Ex Parte Application to Supplement. (jloz) (Entered: 04/14/2015)
05/11/2015	<u>Ī 68</u>	MINUTE IN CHAMBERS ORDER AND NOTICE TO ALL PARTIES by Judge Terry J. Hatter, Jr: Counsel are hereby notified that the above matter is set on the Court's calendar for Final Pretrial Conference on October 19, 2015 at 10:00 a.m. All trial counsel are ordered to appear at this date and time. Counsel are reminded that all pretrial documents are due no later than 21 days before the final pretrialconference hearing date. (shb) (Entered: 05/11/2015)
05/11/2015	<u>Ī 69</u>	ORDER by Judge Terry J. Hatter, Jr.: It is Ordered that Plaintiffs' application to seal portions of (1) its Reply in support of Plaintiffs' Motion for Class Certification and (2) the Declaration of George Granade in support thereof <u>65</u> be, and hereby is, Denied. It is further Ordered that the Clerk of Court shall file the non-redacted versions of (1) Plaintiffs' Reply in support of the Motion for Class Certification, and (2) the Declaration of George Granade in support thereof. (gk) (Entered: 05/12/2015)
05/11/2015	<u>Ī 70</u>	REPLY in Support of Plaintiff's Motion for Class Certification <u>54</u> filed by Plaintiff Andrew Harbut. (gk) (Entered: 05/12/2015)
05/11/2015	<u>Ī 71</u>	DECLARATION of George Granade in Support of Reply in Support of Plaintiff's Motion for Class Certification <u>54</u> filed by Plaintiff Andrew Harbut. (gk) (Entered: 05/12/2015)
05/29/2015	<u>Ī 72</u>	NOTICE of Manual Filing filed by Plaintiff Andrew Harbut of Application to File under Seal. (Reese, Michael) (Entered: 05/29/2015)
05/29/2015	<u>Ī 73</u>	NOTICE OF MOTION AND MOTION to Certify Class <i>Plaintiff's Notice of Motion and Motion for Certification of a Narrowed Class</i> filed by plaintiff Andrew Harbut. (Attachments: # <u>1</u> Memorandum Memorandum of Points and Authorities in Support of Plaintiff's Motion for Certification of a Narrowed Class, # <u>2</u> Declaration Declaration of George V. Granade in Support of Plaintiff's Motion for Certification of a Narrowed Class, # <u>3</u> Exhibit Exhibit 1 to Granade

		Declaration, # <u>4</u> Exhibit Exhibit 2 to Granade Declaration, # <u>5</u> Exhibit Exhibit 3 to Granade Declaration, # <u>6</u> Exhibit Exhibit 4 to Granade Declaration, # <u>7</u> Exhibit Exhibit 5 to Granade Declaration, # <u>8</u> Exhibit Exhibit 6 to Granade Declaration, # <u>9</u> Exhibit Exhibit 7 to Granade Declaration (under seal), # <u>10</u> Exhibit Exhibit 8 to Granade Declaration (under seal), # <u>11</u> Exhibit Exhibit 9 to Granade Declaration (under seal), # <u>12</u> Exhibit Exhibit 10 to Granade Declaration (under seal), # <u>13</u> Exhibit Exhibit 11 to Granade Declaration, # <u>14</u> Declaration Declaration of Brian T. Kreisler in Support of Plaintiff's Motion for Certification of a Narrowed Class, # <u>15</u> Exhibit Exhibit 1 to Kreisler Declaration, # <u>16</u> Exhibit Exhibit 2 to Kreisler Declaration, # <u>17</u> Exhibit Exhibit 3 to Kreisler Declaration, # <u>18</u> Exhibit Exhibit 4 to Kreisler Declaration, # <u>19</u> Exhibit Exhibit 5 to Kreisler Declaration, # <u>20</u> Exhibit Exhibit 6 to Kreisler Declaration, # <u>21</u> Exhibit Exhibit 7 to Kreisler Declaration, # <u>22</u> Exhibit Exhibit 8 to Kreisler Declaration, # <u>23</u> Exhibit Exhibit 9 to Kreisler Declaration, # <u>24</u> Exhibit Exhibit 10 to Kreisler Declaration)(Reese, Michael) (Entered: 05/29/2015)
05/29/2015	<u>74</u>	PROOF OF SERVICE filed by plaintiff Andrew Harbut, re Notice of Manual Filing (G-92) <u>72</u> , MOTION to Certify Class <i>Plaintiff's Notice of Motion and Motion for Certification of a Narrowed Class</i> <u>73</u> served on May 29, 2015. (Reese, Michael) (Entered: 05/29/2015)
06/11/2015	<u>75</u>	EX PARTE APPLICATION to Strike Plaintiff's Motion for Certification of a Narrowed Class (Dkt. 73) re MOTION to Certify Class <i>Plaintiff's Notice of Motion and Motion for Certification of a Narrowed Class</i> <u>73</u> filed by Defendant Monavie Inc, Monavie LLC. (Attachments: # <u>1</u> Declaration Goldsmith Decl ISO Ex Parte Motion to Strike, # <u>2</u> Proposed Order)(Goldsmith, Scott) (Entered: 06/11/2015)
06/15/2015	<u>77</u>	SEALED DOCUMENT – APPLICATION to Seal Portions of (1) Memorandum of Points and Authorities in support of Plaintiff's Motion for Certification of a Narrowed Class and (2) Declaration of George V. Granade in support Thereof. [UNDER SEAL]. (jp) (Entered: 06/17/2015)
06/15/2015	<u>78</u>	SEALED DOCUMENT – ORDER GRANTING Application to Seal Portions of (1) Memorandum of Points and Authorities in support of Plaintiff's Motion for Certification of a Narrowed Class and (2) Declaration of George V. Granade in support Thereof. [UNDER SEAL]. (jp) (Entered: 06/17/2015)
06/15/2015	<u>79</u>	SEALED DOCUMENT – MEMORANDUM OF POINTS AND AUTHORITIES in Support of Plaintiff's MOTION for Certification of a Narrowed Class. (UNDER SEAL). (jp) (Entered: 06/17/2015)
06/15/2015	<u>80</u>	SEALED DOCUMENT – DECLARATION of GEORGE V. GRANADE in support of Plaintiff's MOTION for Certification of a Narrowed Class. [UNDER SEAL]. (jp) (Entered: 06/17/2015)
06/15/2015	<u>81</u>	SEALED DOCUMENT – DECLARATION of GEORGE V. GRANADE in support of Application to Seal Portions of (1) Memorandum of Points and Authorities in support of Plaintiff's Motion for Certification of a Narrowed Class and (2) Declaration of George V. Granade in support Thereof. [UNDER SEAL]. (jp) (Entered: 06/17/2015)
06/16/2015	<u>76</u>	OPPOSITION to EX PARTE APPLICATION to Strike Plaintiff's Motion for Certification of a Narrowed Class (Dkt. 73) re MOTION to Certify Class <i>Plaintiff's Notice of Motion and Motion for Certification of a Narrowed Class</i> <u>73</u> <u>75</u> filed by Plaintiff Andrew Harbut. (Reese, Michael) (Entered: 06/16/2015)
06/22/2015	<u>82</u>	MEMORANDUM in Opposition to MOTION to Certify Class <i>Plaintiff's Notice of Motion and Motion for Certification of a Narrowed Class</i> <u>73</u> <i>MonaVie Inc., and MonaVie, LLC's Opposition to Plaintiff's Motion for Certification of a Narrowed Class</i> filed by Defendants Monavie Inc, Monavie LLC. (Attachments: # <u>1</u> Declaration Declaration of Graden P. Jackson in Support of MonaVie's Opposition to Plaintiff's Motion for Certification of a Narrowed Class, # <u>2</u> Declaration Declaration of Scott D. Goldsmith in Support of MonaVie's Opposition to Plaintiff's Motion for

		Certification of a Narrowed Class, # <u>3</u> Exhibit Exhibit A to Goldsmith Declaration, # <u>4</u> Exhibit Exhibit B to Goldsmith Declaration, # <u>5</u> Exhibit Exhibit C to Goldsmith Declaration, # <u>6</u> Exhibit Exhibit D to Goldsmith Declaration, # <u>7</u> Exhibit Exhibit E to Goldsmith Declaration, # <u>8</u> Exhibit Exhibit F to Goldsmith Declaration, # <u>9</u> Exhibit Exhibit G to Goldsmith Declaration, # <u>10</u> Exhibit Exhibit H to Goldsmith Declaration)(Goldsmith, Scott) (Entered: 06/22/2015)
06/29/2015	<u>83</u>	REPLY in Support of MOTION to Certify Class <i>Plaintiff's Notice of Motion and Motion for Certification of a Narrowed Class</i> <u>73</u> Reply in Support of Plaintiff's Motion for Certification of a Narrowed Class filed by Plaintiff Andrew Harbut. (Reese, Michael) (Entered: 06/29/2015)
08/18/2015	<u>84</u>	ORDER by Judge Terry J. Hatter, Jr that Plaintiffs' Motion for class certification <u>73</u> be, and hereby is, Denied. Further Ordered that Defendants' ex parte motion to strike Plaintiffs' motion <u>75</u> be, and hereby is, Denied. (jp) (Entered: 08/18/2015)
09/11/2015	<u>85</u>	NOTICE OF MOTION AND MOTION to Stay Case pending resolution of Plaintiff's petition to the United States Court of Appeals for the Ninth Circuit pursuant to Federal Rule of Civil Procedure 23(f) and, if the Ninth Circuit grants the petition, pending resolution of the appeal. <i>Plaintiff's Notice of Motion and Motion to Stay Proceedings</i> filed by plaintiff Andrew Harbut. (Attachments: # <u>1</u> Memorandum Plaintiff's Memorandum of Points and Authorities in Support of Plaintiff's Motion to Stay Proceedings) (Reese, Michael) (Entered: 09/11/2015)
09/18/2015	<u>86</u>	MEMORANDUM in Opposition to NOTICE OF MOTION AND MOTION to Stay Case pending resolution of Plaintiff's petition to the United States Court of Appeals for the Ninth Circuit pursuant to Federal Rule of Civil Procedure 23(f) and, if the Ninth Circuit grants the petition, pend <u>85</u> filed by Defendants Monavie Inc, Monavie LLC. (Goldsmith, Scott) (Entered: 09/18/2015)
09/24/2015	<u>87</u>	NOTICE TO FILER OF DEFICIENCIES in Electronically Filed Documents RE: NOTICE OF MOTION AND MOTION to Stay Case pending resolution of Plaintiff's petition to the United States Court of Appeals for the Ninth Circuit pursuant to Federal Rule of Civil Procedure 23(f) and, if the Ninth Circuit grants the petition, pend <u>85</u> . The following error(s) was found: Hearing information is missing, incorrect, or not timely. Local Rule 7.1-1 No Notice of Interested Parties and/or no copies. Other: The filer noticed a hearing date of 10/9/2015, which is a Friday. Civil Motions should be noticed for a Monday, the time should read "UNDER SUBMISSION," no appearance necessary, unless the court notifies parties. See Local Rules 6-1 and 7-4, and FAQs about Judge Hatter's Procedures and Schedules on the court's website, as the hearing date determines the briefing schedule.In response to this notice the court may order (1) an amended or correct document to be filed (2) the document stricken or (3) take other action as the court deems appropriate. You need not take any action in response to this notice unless and until the court directs you to do so. (lom) (Entered: 09/24/2015)
09/24/2015	<u>88</u>	Notice of Appearance or Withdrawal of Counsel: for attorney Kim E Richman counsel for Plaintiffs Andrew Harbut, Adam Parker. Kim E. Richman is no longer counsel of record for the aforementioned party in this case for the reason indicated in the G-123 Notice. Filed by Plaintiff Adam Parker. (Attachments: # <u>1</u> Certificate of Service)(Richman, Kim) (Entered: 09/24/2015)
09/24/2015	<u>89</u>	Corrected NOTICE OF MOTION AND MOTION to Stay Case pending resolution of Plaintiff's petition to the United States Court of Appeals for the Ninth Circuit pursuant to Federal Rule of Civil Procedure 23(f) and, if the Ninth Circuit grants the petition, pending resolution of the appeal <i>Plaintiff's Corrected Notice of Motion and Motion to Stay Proceedings</i> filed by plaintiff Andrew Harbut. (Reese, Michael) (Entered: 09/24/2015)
09/24/2015	<u>90</u>	CERTIFICATE of Interested Parties filed by Plaintiff Andrew Harbut, (Reese, Michael) (Entered: 09/24/2015)
09/25/2015	<u>91</u>	Emergency EX PARTE APPLICATION to Reschedule Final Pretrial Conference and all related deadlines filed by plaintiff Andrew Harbut. (Attachments: # <u>1</u> Declaration Declaration of Michael R. Reese in Support of Plaintiff Andrew Harbut's Emergency Ex Parte Application to Adjourn

		Final Pretrial Conference, # <u>2</u> Proposed Order Proposed Order Granting Plaintiff Andrew Harbut's Emergency Ex Parte Application to Adjourn Final Pretrial Conference) (Reese, Michael) (Entered: 09/25/2015)
09/25/2015	<u>92</u>	ORDER GRANTING PLAINTIFF ANDREW HARBUT'S EMERGENCY EX PARTE APPLICATION TO ADJOURN FINAL PRETRIAL CONFERENCE <u>91</u> by Judge Terry J. Hatter, Jr. IT IS SO ORDERED that, pursuant to the Court's inherent authority over the administration of its business, all related deadlines are now stayed and the Final Pretrial Conference in the above-captioned action is adjourned until December 14, 2015 at 10:00 A.M. (lom) (Entered: 09/25/2015)
10/29/2015	<u>93</u>	ORDER by Judge Terry J. Hatter, Jr: DENYING AS MOOT <u>85</u> MOTION to Stay Proceedings. (shb) (Entered: 11/03/2015)
11/20/2015	<u>94</u>	Joint STIPULATION to Reschedule Final Pretrial Conference filed by plaintiff Andrew Harbut. (Attachments: # <u>1</u> Proposed Order)(Reese, Michael) (Entered: 11/20/2015)
12/01/2015	<u>95</u>	REGARDING REQUESTED ADJOURNMENT OF THE FINAL PRETRIAL CONFERENCE <u>94</u> by Judge Terry J. Hatter, Jr. IT IS HEREBY ORDERED THAT: 1. The Final Pretrial Conference is adjourned from December 14, 2015 10:00 a.m. on March 14, 2016 at 10:00 a.m. (lom) (Entered: 12/01/2015)
01/05/2016	<u>96</u>	REQUEST for ADR Procedure No. 1 filed. Parties request to Appear Before Hon. Jay C. Gandhi for settlement proceedings. Filed by Plaintiffs Andrew Harbut, Adam Parker.(Reese, Michael) (Entered: 01/05/2016)
02/26/2016	<u>97</u>	ORDER/REFERRAL to ADR Procedure No 1 by Judge Terry J. Hatter, Jr. Case ordered to Magistrate Judge Oswald Parada for Settlement Conference. (shb) (Entered: 02/26/2016)
03/08/2016	<u>98</u>	NOTICE OF REASSIGNMENT OF CASE due to Unavailability of Judicial Officer filed. The previously assigned Magistrate Judge is no longer available. Pursuant to directive of the Chief Magistrate Judge and in accordance with the rules of this Court, the case has been returned to the Clerk for reassignment. This case has been reassigned to Magistrate Judge David T. Bristow for any discovery and/or post-judgment matters that may be referred. Case number will now read as 5:12-cv-01983 TJH(DTBx). (m) (Entered: 03/08/2016)
03/08/2016	<u>99</u>	Joint STIPULATION to Reschedule Final Pretrial Conference currently scheduled for March 14, 2016 filed by plaintiff Andrew Harbut. (Attachments: # <u>1</u> Proposed Order)(Reese, Michael) (Entered: 03/08/2016)
03/10/2016	<u>100</u>	ORDER by Judge Terry J. Hatter, Jr, GRANTING Stipulation to Reschedule/Adjourn Final Pretrial Conference <u>99</u> . It is hereby ORDERED that the Final Pretrial Conference for March 14, 2016 is adjourned to a date to be determined after the settlement conference with the magistrate judge that was ordered on February 26, 2016 <u>97</u> . (shb) (Entered: 03/10/2016)
03/11/2016	<u>101</u>	ORDER RE SETTLEMENT CONFERENCE by Magistrate Judge David T. Bristow, Settlement Conference set for 5/6/2016 09:30 AM before Magistrate Judge David T. Bristow. PLEASE READ THIS ORDER CAREFULLY! (dc) (Entered: 03/11/2016)
05/03/2016	<u>102</u>	RE-SCHEDULING NOTICE by Magistrate Judge David T. Bristow re: Order, Set/Reset Hearing <u>101</u> previously scheduled for 05-06-2016 9:30 a.m. has been rescheduled. Settlement Conference set for 7/8/2016 09:30 AM before Magistrate Judge David T. Bristow. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (dc) TEXT ONLY ENTRY (Entered: 05/03/2016)
05/26/2016	<u>103</u>	MINUTE IN CHAMBERS-ORDER AND NOTICE TO ALL PARTIES by Judge Terry J. Hatter, Jr: Counsel are hereby notified that the above matter is set on the Court calendar for Final Pretrial

		Conference set for 1/30/2017 at 10:00 AM. All counsel for the parties are ordered to appear at this date and time. Counsel are reminded that all pretrial documents are due no later than 21 days before the final pretrial conference hearing date. (jp) (Entered: 05/26/2016)
08/03/2016	<u>104</u>	REQUEST to File Motion for Certification Pursuant to Federal Civil Procedure Rule 23(b)(1) Due to Change in Factual Circumstances <i>Set for Hearing Date: September 19, 2016, Time: Under Submission</i> filed by Plaintiff Andrew Harbut. (Attachments: # <u>1</u> Memorandum, # <u>2</u> Declaration of Michael R. Reese, # <u>3</u> Declaration Certificate of Service) (Reese, Michael) (Entered: 08/03/2016)
08/04/2016	<u>105</u>	NOTICE TO FILER OF DEFICIENCIES in Electronically Filed Documents RE: REQUEST to File Motion for Certification Pursuant to Federal Civil Procedure Rule 23(b)(1) Due to Change in Factual Circumstances <i>Set for Hearing Date: September 19, 2016, Time: Under Submission</i> <u>104</u> . The following error(s) was found: Proposed Document was not submitted as separate attachment. In response to this notice the court may order (1) an amended or correct document to be filed (2) the document stricken or (3) take other action as the court deems appropriate. You need not take any action in response to this notice unless and until the court directs you to do so. (shb) (Entered: 08/04/2016)
08/29/2016	<u>106</u>	MEMORANDUM in Opposition to REQUEST to File Motion for Certification Pursuant to Federal Civil Procedure Rule 23(b)(1) Due to Change in Factual Circumstances <i>Set for Hearing Date: September 19, 2016, Time: Under Submission</i> <u>104</u> filed by Defendants Monavie Inc, Monavie LLC. (Attachments: # <u>1</u> Declaration of Jon Kardassakis in Support of Opposition to Plaintiff's Motion for Leave to File Motion for Class Certification, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3 (Part 1), # <u>5</u> Exhibit 3 (Part 2), # <u>6</u> Exhibit 3 (Part 3), # <u>7</u> Exhibit 4)(Kardassakis, Jon) (Entered: 08/29/2016)
09/06/2016	<u>107</u>	REPLY in support of REQUEST to File Motion for Certification Pursuant to Federal Civil Procedure Rule 23(b)(1) Due to Change in Factual Circumstances <i>Set for Hearing Date: September 19, 2016, Time: Under Submission</i> <u>104</u> filed by Plaintiff Andrew Harbut. (Reese, Michael) (Entered: 09/06/2016)
11/15/2016	<u>108</u>	NOTICE OF MOTION AND MOTION to Stay Case pending Ruling on Insurance Coverage Dispute filed by plaintiff Andrew Harbut. (Attachments: # <u>1</u> Memorandum of Points and Authorities in Support of Plaintiff's Motion to Stay Pending Ruling on Insurance Coverage Dispute, # <u>2</u> Declaration of Michael R. Reese, # <u>3</u> Exhibit A, # <u>4</u> Proposed Order) (Reese, Michael) (Entered: 11/15/2016)
12/19/2016	<u>109</u>	MEMORANDUM in Opposition to NOTICE OF MOTION AND MOTION to Stay Case pending Ruling on Insurance Coverage Dispute <u>108</u> filed by Defendants Monavie Inc, Monavie LLC. (Attachments: # <u>1</u> Exhibit 1)(Kardassakis, Jon) (Entered: 12/19/2016)
12/22/2016	<u>110</u>	NOTICE of Appearance filed by attorney Bryan M Leifer on behalf of Defendants Monavie Inc, Monavie LLC (Attorney Bryan M Leifer added to party Monavie Inc(pty:dft), Attorney Bryan M Leifer added to party Monavie LLC(pty:dft))(Leifer, Bryan) (Entered: 12/22/2016)
12/26/2016	<u>111</u>	REPLY in support of NOTICE OF MOTION AND MOTION to Stay Case pending Ruling on Insurance Coverage Dispute <u>108</u> filed by Plaintiff Andrew Harbut. (Reese, Michael) (Entered: 12/26/2016)
12/28/2016	<u>112</u>	Joint STIPULATION to Reschedule the Final Pretrial Conference filed by plaintiff Andrew Harbut. (Attachments: # <u>1</u> Proposed Order)(Reese, Michael) (Entered: 12/28/2016)
01/04/2017	<u>113</u>	ORDER by Judge Terry J. Hatter, Jr, re Stipulation to Reschedule the Final Pretrial Conference <u>112</u> . IT IS HEREBY ORDERED THAT: The Final Pretrial Conference is adjourned from January 30, 2017, until 10:00 a.m. on March 13, 2017. (shb) (Entered: 01/04/2017)
02/21/2017	<u>114</u>	

		NOTICE Courtesy Copy of Motion by Andrew Harbut and Lisa Pontrelli for Transfer of Actions to the U.S. District Court for the District of Utah Pursuant to 28 U.S.C. § 1407 for Coordinated or Consolidated Pretrial Proceedings filed by plaintiff Andrew Harbut. (Attachments: # <u>1</u> Memorandum of Law in Support of Motion by Andrew Harbut and Lisa Pontrelli for Transfer of Actions to the U.S. District Court for the District of Utah Pursuant to 28 U.S.C. § 1407 for Coordinated or Consolidated Pretrial Proceedings, # <u>2</u> Schedule of Actions, # <u>3</u> Declaration of Michael R. Reese, # <u>4</u> Exhibit 1 (Complaint – CACD 5:12–1983), # <u>5</u> Exhibit 2 (Complaint – NJD 2:13–4649), # <u>6</u> Exhibit 3 (Complaint – UTD 2:14–0395), # <u>7</u> Proof of Service)(Reese, Michael) (Entered: 02/21/2017)
02/22/2017	<u>115</u>	MEMORANDUM of CONTENTIONS of FACT and LAW filed by Defendants Monavie Inc, Monavie LLC. (Kardassakis, Jon) (Entered: 02/22/2017)
02/22/2017	<u>116</u>	Witness List filed by Defendants Monavie Inc, Monavie LLC.. (Kardassakis, Jon) (Entered: 02/22/2017)
02/22/2017	<u>117</u>	MEMORANDUM of CONTENTIONS of FACT and LAW filed by PLAINTIFF Andrew Harbut. (Reese, Michael) (Entered: 02/22/2017)
02/22/2017	<u>118</u>	Witness List filed by PLAINTIFF Andrew Harbut.. (Reese, Michael) (Entered: 02/22/2017)
03/06/2017	<u>119</u>	JOINT Exhibit List filed by plaintiff Andrew Harbut.. (Reese, Michael) (Entered: 03/06/2017)
03/08/2017	<u>120</u>	NOTICE OF DISMISSAL filed by Plaintiff Andrew Harbut pursuant to FRCP 41a(1) as to Juicy Acai LLC. (Reese, Michael) (Entered: 03/08/2017)
03/08/2017	<u>121</u>	NOTICE OF LODGING Proposed Pretrial Conference Order Plaintiff Andrew Harbut. (Attachments: # <u>1</u> Proposed Order)(Reese, Michael) (Entered: 03/08/2017)
03/09/2017	<u>122</u>	ORDER by Judge Terry J. Hatter, Jr: DENYING <u>104</u> MOTION for Class Certification AND <u>108</u> MOTION to Stay Case. (shb) (Entered: 03/09/2017)
03/09/2017	<u>123</u>	APPLICATION of Non–Resident Attorney George V. Granade to Appear Pro Hac Vice on behalf of Plaintiff Andrew Harbut (Pro Hac Vice Fee – Fee Paid, Receipt No. 0973–19492001) filed by Plaintiff Andrew Harbut. (Attachments: # <u>1</u> Proposed Order ) (Wade, Gillian) (Entered: 03/09/2017)
03/09/2017	<u>124</u>	MINUTE IN CHAMBERS NOTICE TO ALL PARTIES AND NOTICE OF COURT ORDER by Judge Terry J. Hatter, Jr: On the Court's own motion, the Final Pretrial Conference is continued to March 20, 2017 at 10:00 a.m. Counsel for the parties are to appear in person. See order for further details. (shb) (Entered: 03/09/2017)
03/12/2017	<u>125</u>	NOTICE OF MOTION AND MOTION to Transfer Case to U.S. District Court for the District of Utah, Central Division Pursuant to 28 U.S.C. § 1404(a) filed by plaintiff Andrew Harbut. (Attachments: # <u>1</u> Memorandum of Points and Authorities in Support of Motion to Transfer Pursuant to 28 U.S.C. § 1404(a), # <u>2</u> Declaration of Michael R. Reese) (Reese, Michael) (Entered: 03/12/2017)
03/13/2017	<u>126</u>	NOTICE TO FILER OF DEFICIENCIES in Electronically Filed Documents RE: NOTICE OF MOTION AND MOTION to Transfer Case to U.S. District Court for the District of Utah, Central Division Pursuant to 28 U.S.C. § 1404(a) <u>125</u> . The following error(s) was found: Hearing information is missing, incorrect, or not timely. Proposed Document was not submitted as separate attachment. In response to this notice the court may order (1) an amended or correct document to be filed (2) the document stricken or (3) take other action as the court deems appropriate. You need not take any action in response to this notice unless and until the court directs you to do so. (shb) (Entered: 03/13/2017)
03/14/2017	<u>127</u>	

		Joint STIPULATION for Discovery as to Experts and Motions in Limine filed by plaintiff Andrew Harbut. (Attachments: # <u>1</u> Proposed Order)(Reese, Michael) (Entered: 03/14/2017)
03/15/2017	<u>128</u>	ORDER by Judge Terry J. Hatter, Jr: granting <u>123</u> Non-Resident Attorney George V. Granade APPLICATION to Appear Pro Hac Vice on behalf of Plaintiff, Andrew Harbut, designating Gilian L Wade as local counsel. (shb) (Entered: 03/15/2017)
03/16/2017	<u>129</u>	Joint STIPULATION for Discovery as to Experts and Motions in Limine filed by plaintiff Andrew Harbut. (Attachments: # <u>1</u> Proposed Order)(Reese, Michael) (Entered: 03/16/2017)
03/17/2017	<u>130</u>	ORDER REGARDING SCHEDULING OF EXPERT DISCOVERY AND MOTIONS IN LIMINE by Judge Terry J. Hatter, Jr. IT IS HEREBY ORDERED THAT the schedule for expert discovery and motions in limine shall be as follows: April 14, 2017 Parties Exchange Expert Reports; April 27, 2017 Completion of Expert Depositions; May 4, 2017 Exchange of Expert Rebuttal Reports; May 14, 2017 Completion of Rebuttal Expert Depositions; May 28, 2017 Deadline to file Motions to Strike Expert Reports; June 6, 2017 Deadline to file Responses to Motions to Strike Expert Reports; June 14, 2017 Deadline to file Replies in Support of Motions to Strike Expert Reports and Motions in Limine; The Final Pretrial Conference is continued to May 15, 2017 at 10 a.m. (shb) (Entered: 03/17/2017)
03/20/2017	<u>131</u>	MEMORANDUM in Opposition to NOTICE OF MOTION AND MOTION to Transfer Case to U.S. District Court for the District of Utah, Central Division Pursuant to 28 U.S.C. § 1404(a) <u>125</u> filed by Defendants Monavie Inc, Monavie LLC. (Kardassakis, Jon) (Entered: 03/20/2017)
03/27/2017	<u>132</u>	REPLY in Support of NOTICE OF MOTION AND MOTION to Transfer Case to U.S. District Court for the District of Utah, Central Division Pursuant to 28 U.S.C. § 1404(a) <u>125</u> filed by Plaintiff Andrew Harbut. (Reese, Michael) (Entered: 03/27/2017)
04/26/2017	<u>133</u>	Joint STIPULATION for Discovery as to Regarding Amended Scheduling of Expert Discovery and Motions in Limine filed by Defendants Monavie Inc, Monavie LLC. (Attachments: # <u>1</u> Proposed Order)(Leifer, Bryan) (Entered: 04/26/2017)
04/28/2017	<u>134</u>	SUPPLEMENT to NOTICE OF MOTION AND MOTION to Transfer Case to U.S. District Court for the District of Utah, Central Division Pursuant to 28 U.S.C. § 1404(a) <u>125</u> filed by Plaintiff Andrew Harbut. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(Reese, Michael) (Entered: 04/28/2017)
04/28/2017	<u>135</u>	ORDER by Judge Terry J. Hatter, Jr, re Stipulation for Discovery as to Regarding Amended Scheduling of Expert Discovery and Motions in Limine <u>133</u> . IT IS HEREBY ORDERED THAT: Completion of Expert Depositions is extended to May 10, 2017; and Exchange of Expert Rebuttal Reports is extended to May 16, 2017. All other dates in the March 17th Order shall remain the same. (shb) (Entered: 04/29/2017)
05/03/2017	<u>136</u>	MINUTE IN CHAMBERS – NOTICE TO ALL PARTIES OF COURT ORDER by Judge Terry J. Hatter, Jr: On the Courts own motion, the Final Pretrial Conference currently scheduled for May 15, 2017, is hereby ordered continued to July 10, 2017 at 10:00 a.m. Counsel for the parties are to appear in person. (shb) (Entered: 05/03/2017)
05/28/2017	<u>137</u>	NOTICE OF MOTION AND MOTION to Strike Plaintiffs' Expert Witness and Expert Report of Michael Starnbach, PH.D. filed by Defendants Monavie Inc, Monavie LLC. (Attachments: # <u>1</u> Memorandum, # <u>2</u> Declaration of Bryan Leifer, # <u>3</u> Exhibit No. 1, # <u>4</u> Exhibit No. 2, # <u>5</u> Exhibit No. 3, # <u>6</u> Proposed Order) (Leifer, Bryan) (Entered: 05/28/2017)
05/30/2017	<u>138</u>	NOTICE OF MOTION re NOTICE OF MOTION AND MOTION to Strike Plaintiffs' Expert Witness and Expert Report of Michael Starnbach, PH.D. <u>137</u> REVISED filed by Defendants Monavie Inc, Monavie LLC. (Attachments: # <u>1</u> Proposed Order)(Leifer, Bryan) (Entered: 05/30/2017)

05/30/2017	<u>139</u>	NOTICE OF MOTION AND MOTION to Exclude Expert Witness of Defendants MonaVie, Inc., and MonaVie LLC , NOTICE OF MOTION AND MOTION to Strike Expert Reports of Dr. Michael Greger, M.D. FACLM filed by plaintiff Andrew Harbut. (Attachments: # <u>1</u> Memorandum of Points and Authorities in Support of Plaintiff's Motion to Exclude Expert Witness of Defendants MonaVie, Inc., and MonaVie LLC and Strike Expert Reports of Dr. Michael Greger, M.D. FACLM, # <u>2</u> Declaration of George V. Granade, # <u>3</u> Exhibit 1, # <u>4</u> Exhibit 2, # <u>5</u> Exhibit 3, # <u>6</u> Exhibit 4, # <u>7</u> Exhibit 5, # <u>8</u> Exhibit 6, # <u>9</u> Proposed Order) (Granade, George) (Entered: 05/30/2017)
06/06/2017	<u>140</u>	MEMORANDUM in Opposition to NOTICE OF MOTION AND MOTION to Exclude Expert Witness of Defendants MonaVie, Inc., and MonaVie LLC NOTICE OF MOTION AND MOTION to Strike Expert Reports of Dr. Michael Greger, M.D. FACLM <u>139</u> filed by Defendants Monavie Inc, Monavie LLC. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3)(Leifer, Bryan) (Entered: 06/06/2017)
06/06/2017	<u>141</u>	DECLARATION of Bryan Leifer in opposition NOTICE OF MOTION AND MOTION to Exclude Expert Witness of Defendants MonaVie, Inc., and MonaVie LLC NOTICE OF MOTION AND MOTION to Strike Expert Reports of Dr. Michael Greger, M.D. FACLM <u>139</u> filed by Defendants Monavie Inc, Monavie LLC. (Leifer, Bryan) (Entered: 06/06/2017)
06/06/2017	<u>142</u>	MEMORANDUM in Opposition to NOTICE OF MOTION AND MOTION to Strike Plaintiffs' Expert Witness and Expert Report of Michael Starnbach, PH.D. <u>137</u> filed by Plaintiff Andrew Harbut. (Attachments: # <u>1</u> Declaration of George V. Granade, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 1)(Granade, George) (Entered: 06/06/2017)
06/08/2017	<u>143</u>	ORDER DENYING TRANSFER ORDER from the United States Judicial Panel on Multidistrict Litigation. IT IS THEREFORE ORDERED that the motion for Section 1407 centralization of the actions listed on Schedule A is DENIED. (shb) (Entered: 06/09/2017)
06/14/2017	<u>144</u>	REPLY in support of a motion NOTICE OF MOTION AND MOTION to Strike Plaintiffs' Expert Witness and Expert Report of Michael Starnbach, PH.D. <u>137</u> filed by Defendants Monavie Inc, Monavie LLC. (Leifer, Bryan) (Entered: 06/14/2017)
06/14/2017	<u>145</u>	NOTICE OF MOTION AND MOTION IN LIMINE ( # 1) to Exclude Evidence of Conduct by Juicy Acai, LLC (And Corresponding Request to Dismiss Claims Brought Under California Law) filed by defendants Monavie Inc, Monavie LLC. Motion set for hearing on 7/10/2017 at 10:00 AM before Judge Terry J. Hatter Jr.(Leifer, Bryan) (Entered: 06/14/2017)
06/14/2017	<u>146</u>	REPLY in Support of NOTICE OF MOTION AND MOTION to Exclude Expert Witness of Defendants MonaVie, Inc., and MonaVie LLC NOTICE OF MOTION AND MOTION to Strike Expert Reports of Dr. Michael Greger, M.D. FACLM <u>139</u> filed by Plaintiff Andrew Harbut. (Granade, George) (Entered: 06/14/2017)
06/14/2017	<u>147</u>	NOTICE OF MOTION AND MOTION IN LIMINE to Exclude Certain Evidence filed by plaintiff Andrew Harbut. (Attachments: # <u>1</u> Memorandum, # <u>2</u> Declaration of George V. Granade, # <u>3</u> Exhibit 113, # <u>4</u> Exhibit 114, # <u>5</u> Exhibit 115, # <u>6</u> Exhibit 116, # <u>7</u> Exhibit 117, # <u>8</u> Exhibit 118, # <u>9</u> Exhibit 122, # <u>10</u> Exhibit 124, # <u>11</u> Exhibit 127, # <u>12</u> Exhibit 128, # <u>13</u> Exhibit 129, # <u>14</u> Exhibit 130, # <u>15</u> Exhibit 131, # <u>16</u> Exhibit 132, # <u>17</u> Exhibit 133, # <u>18</u> Exhibit 134, # <u>19</u> Exhibit 135, Part 1, # <u>20</u> Exhibit 135, Part 2, # <u>21</u> Exhibit 136, # <u>22</u> Exhibit 138, # <u>23</u> Exhibit 139, # <u>24</u> Exhibit 140, # <u>25</u> Exhibit 141, # <u>26</u> Exhibit 142, # <u>27</u> Exhibit 144, # <u>28</u> Exhibit 145, # <u>29</u> Exhibit 146, # <u>30</u> Exhibit 147, # <u>31</u> Exhibit 148, # <u>32</u> Exhibit 149, # <u>33</u> Exhibit 150, # <u>34</u> Exhibit 151, # <u>35</u> Exhibit 152, # <u>36</u> Exhibit 153, # <u>37</u> Exhibit 154, # <u>38</u> Exhibit 155, # <u>39</u> Exhibit 156, Part 1, # <u>40</u> Exhibit 156, Part 2, # <u>41</u> Exhibit 156, Part 3, # <u>42</u> Exhibit 157, # <u>43</u> Exhibit 158, # <u>44</u> Exhibit 159, # <u>45</u> Exhibit 160, # <u>46</u> Exhibit 161, # <u>47</u> Exhibit 162, # <u>48</u> Exhibit 163, # <u>49</u> Exhibit 164, # <u>50</u> Exhibit 165, # <u>51</u> Exhibit 166, # <u>52</u> Exhibit 167, # <u>53</u> Exhibit 168, # <u>54</u> Exhibit 169, # <u>55</u> Exhibit 170, # <u>56</u> Exhibit 171, # <u>57</u> Exhibit 172, # <u>58</u> Exhibit 174, # <u>59</u> Exhibit 175, # <u>60</u> Exhibit



176, # 61 Exhibit 178, # 62 Exhibit 179, # 63 Exhibit 181, # 64 Exhibit 182, # 65 Exhibit 183, # 66 Exhibit 185, # 67 Exhibit 187, # 68 Exhibit 188, # 69 Exhibit 189, # 70 Exhibit 190, # 71 Exhibit 192, # 72 Exhibit 193, # 73 Exhibit 194, # 74 Exhibit 195, # 75 Exhibit 196, # 76 Exhibit 197, # 77 Exhibit 198, # 78 Exhibit 199, # 79 Exhibit 200, # 80 Exhibit 201, # 81 Exhibit 202, # 82 Exhibit 203, # 83 Exhibit 204, # 84 Exhibit 205, # 85 Exhibit 206, # 86 Exhibit 207, # 87 Exhibit 208, # 88 Exhibit 209, # 89 Exhibit 212, # 90 Exhibit 213, # 91 Exhibit 215, # 92 Exhibit 216, # 93 Exhibit 217, # 94 Exhibit 218, # 95 Exhibit 219, # 96 Exhibit 220, # 97 Exhibit 221, # 98 Exhibit 222, # 99 Exhibit 223, # 100 Proposed Order)(Granade, George) (Entered: 06/15/2017)

06/15/2017	<u>148</u>	NOTICE TO FILER OF DEFICIENCIES in Electronically Filed Documents RE: MOTION IN LIMINE ( # 1) to Exclude Evidence of Conduct by Juicy Acai, LLC (And Corresponding Request to Dismiss Claims Brought Under California Law) <u>145</u> . The following error(s) was found: Proposed Document was not submitted as separate attachment. In response to this notice the court may order (1) an amended or correct document to be filed (2) the document stricken or (3) take other action as the court deems appropriate. You need not take any action in response to this notice unless and until the court directs you to do so. (shb) (Entered: 06/15/2017)
06/23/2017	<u>149</u>	ORDER by Judge Terry J. Hatter, Jr: DENYING <u>125</u> MOTION to Transfer Case (shb) (Entered: 06/23/2017)
06/26/2017	<u>150</u>	MEMORANDUM in Opposition to MOTION IN LIMINE ( # 1) to Exclude Evidence of Conduct by Juicy Acai, LLC (And Corresponding Request to Dismiss Claims Brought Under California Law) <u>145</u> filed by Plaintiff Andrew Harbut. (Attachments: # <u>1</u> Declaration of George V. Granade, # <u>2</u> Exhibit A, Part 1, # <u>3</u> Exhibit A, Part 2, # <u>4</u> Exhibit 2, # <u>5</u> Exhibit 3, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Plaintiff's Statement of Facts Pursuant to Federal Rule of Civil Procedure 56)(Granade, George) (Entered: 06/26/2017)
07/03/2017	<u>151</u>	REPLY in support of MOTION IN LIMINE to Exclude Certain Evidence <u>147</u> filed by Plaintiff Andrew Harbut. (Granade, George) (Entered: 07/03/2017)
07/06/2017	<u>152</u>	MEMORANDUM in Opposition to MOTION IN LIMINE to Exclude Certain Evidence <u>147</u> filed by Defendants Monavie Inc, Monavie LLC. (Leifer, Bryan) (Entered: 07/06/2017)
07/06/2017	<u>153</u>	REPLY in support MOTION IN LIMINE ( # 1) to Exclude Evidence of Conduct by Juicy Acai, LLC (And Corresponding Request to Dismiss Claims Brought Under California Law) <u>145</u> filed by Defendants Monavie Inc, Monavie LLC. (Leifer, Bryan) (Entered: 07/06/2017)
07/07/2017	<u>154</u>	MINUTE IN CHAMBERS–ORDER AND NOTICE TO ALL PARTIES by Judge Terry J. Hatter, Jr: Counsel are hereby notified that the above matter is set on the Court's calendar for Final Pretrial Conference on July 10, 2017 and the Court has now taken the matter off calendar. No one is to appear on July 10, 2017. A written order will issue. (shb) (Entered: 07/07/2017)
07/10/2017	<u>155</u>	ORDER by Judge Terry J. Hatter, Jr: It is Ordered that Defendants motion in limine to exclude evidence of conduct by Acai be, and hereby is, Granted. It is Further Ordered that Defendants motion in limine to dismiss the CLRA, FAL, and UCL claims shall be deemed a motion for partial summary judgment, and, as such, be, and hereby is, Granted. It is Further Ordered that Defendants motion in limine to exclude Plaintiffs expert witness Michael Starnbach, Ph. D. and strike his expert witness reports be, and hereby is, Granted. However, Dr. Starnbach will be allowed to testify regarding general principles testimony without substantive connection to the facts of the case. It is Further Ordered that Plaintiffs motion in limine to exclude Defendants expert witness Michael Greger, M.D. FACLM and strike his expert reports be, and hereby is, Denied.It is Further Ordered that Plaintiffs motion in limine to exclude certain evidence be, and hereby is, Denied. It is Further Ordered that this case be, and hereby is, Transferred to the United States District Court for the District of Utah, Central Division. Case transferred electronically. (MD JS–6. Case Terminated.) (shb) (Entered: 07/11/2017)