

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

JAMES VANDERWERFF, on behalf of himself)
and all others similarly situated,)

Plaintiff,)

v.)

QUINCY BIOSCIENCE HOLDING COMPANY,)
INC., a corporation;)

QUINCY BIOSCIENCE, LLC, a limited liability)
Company;)

PREVAGEN, INC., a corporation d/b/a SUGAR)
RIVER SUPPLEMENTS;)

QUINCY BIOSCIENCE MANUFACTURING,)
LLC, a limited liability company,)

MARK UNDERWOOD, individually and as an)
Officer of QUINCY BIOSCIENCE HOLDING)

COMPANY, INC., QUINCY BIOSCIENCE, LLC,)
And PREVAGEN, INC.; and)

MICHAEL BEAMAN, individually as an officer)
OF QUINCY BIOSCIENCE HOLDING)

COMPANY, INC., QUINCY BIOSCIENCE, LLC,)
and PREVAGEN, INC.)

Defendants.)

No. 2:17-cv-00784-ES-MAH

ELAINE SPATH, Individually)
and on behalf of all others similarly situated,)

Plaintiff,)

v.)

QUINCY BIOSCIENCE HOLDING COMPANY,)
INC., a corporation;)

QUINCY BIOSCIENCE, LLC, a limited liability)
Company;)

PREVAGEN, INC., a corporation d/b/a SUGAR)
RIVER SUPPLEMENTS; and)

QUINCY BIOSCIENCE MANUFACTURING,)
LLC, a limited liability company,)

Defendants.)

No. 2:18-cv-12416-ES-MAH

JOINT STIPULATION AND PROPOSED ORDER CONSOLIDATING CASES

Plaintiff James Vanderwerff, by and through his undersigned counsel, Plaintiff Elaine Spath, by and through her undersigned counsel, and Defendants Quincy Bioscience Holding Company, Inc., Quincy Bioscience, LLC, Prevagen, Inc., d/b/a Sugar River Supplements, Quincy Bioscience Manufacturing, LLC, Mark Underwood, Individually and as an Officer of Quincy Bioscience Holding Company, Inc., Quincy Bioscience, LLC, and Prevagen, Inc., and Michael Beaman, Individually as an Officer of Quincy Bioscience Holding Company, Inc., Quincy Bioscience, LLC and Prevagen, Inc., by and through their undersigned counsel, hereby stipulate and agree as follows:

WHEREAS, on February 7, 2017, Plaintiff James Vanderwerff filed his Class Action Complaint (the *Vanderwerff* Action) in this Court;

WHEREAS, a Joint Discovery Plan for the *Vanderwerff* Action was entered by the Court on August 29, 2017 (Dkt. No. 36) and discovery pursuant to the Joint Discovery Plan has been ongoing;

WHEREAS, on August 2, 2018, Plaintiff Elaine Spath filed her Class Action Complaint (the *Spath* Action) in this Court;

WHEREAS, to date, Defendants have not yet filed a response to the *Spath* Action;

WHEREAS, a scheduling order for the *Spath* case has not yet been entered, but all discovery produced by Defendants in the *Vanderwerff* Action has been produced in the *Spath* Action;

WHEREAS, on October 19, 2018, counsel for all parties participated in a telephonic status conference before Magistrate Judge Hammer;

WHEREAS, on October 29, 2018, the Court entered an Order extending deadlines in the *Vanderwerff* Action for responding to written discovery until January 23, 2019;

WHEREAS, these cases both involve similar issues of law and alleged underlying facts;

WHEREAS, counsel of record in the *Spath* Action, counsel of record in the *Vanderwerff* Action, and counsel of record for all Defendants stipulate that pre-trial consolidation of these cases will promote efficiency and judicial economy, avoid multiple and possibly inconsistent judgments, streamline the discovery phase, save all parties costs, and would not prejudice any party;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED AS FOLLOWS:

1. Pursuant to Fed. R. Civ. P. 42(a), Civil Action No. 2:18-cv-12416-ES-MAH (the *Spath* Action) and Civil Action No. 2:17-cv-00784-ES-MAH (the *Vanderwerff* Action) shall be consolidated for pre-trial proceedings (collectively the “Consolidated Action”);
2. The Consolidated Action will proceed under Civil Action No. 2:17-cv-00784-ES-MAH;
3. The Parties will work to ensure that the *Spath* Action shall be on the same schedule as the *Vanderwerff* action on or before January 19, 2019, such that this Court may enter a consolidated scheduling order shortly thereafter;
4. Defendants’ time to respond to the *Spath* Action shall be extended through February 6, 2019;
5. The Court shall hold a telephonic status conference on January 24, 2019.

DATED: October 30, 2018

Respectfully submitted,

WILENTZ, GOLDMAN & SPITZER PA

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IT IS ORDERED this 30th day of October, 2018.



Honorable Michael A. Hammer, U.S.M.J.