

similar, putative class action brought against Champion by the same counsel for Plaintiffs here, and which is based on substantially similar claims as those alleged against Champion here, and in support state as follows:

The Chernik Action

1. Plaintiffs Deborah Leppert and Zachary Chernik filed their Complaint in the case captioned *Chernik et al. v. Champion Petfoods USA Inc. et al.*, Docket No. 1:18-cv-04347 (“*Chernik Action*”), on June 22, 2018. (*See* Dkt. No. 1 in *Chernik Action*.)

2. On August 27, 2018, Champion filed a motion to dismiss. (*See* Dkt. No. 15.)

3. On January 16, 2019, the Court issued an Opinion and Order granting in part Champion’s motion to dismiss the *Chernik Action*. (*See* Dkt. No. 33.) Among other things, the Court dismissed all claims brought by Plaintiff Leppert for lack of personal jurisdiction. The Court further allowed Plaintiffs to file an Amended Complaint by February 14, 2019.

4. On February 14, 2019, Plaintiff Chernik filed the First Amended Complaint (Dkt. No. 35), which is the operative pleading in the *Chernik Action*.

5. On March 12, 2019, Champion filed its Answer and Affirmative Defenses. (*See* Dt. No. 38.)

The Zarinebaf Action

6. Plaintiffs Afshin Zarinebaf and Zachary Chernik filed their Complaint in the case captioned *Zarinebaf et al. v. Champion Petfoods USA Inc. et al.*, Docket No. 1:18-cv-06951 (“*Zarinebaf Action*”), on October 16, 2018. (*See* Dkt. No. 1 in *Zarinebaf Action*.)

7. On October 31, 2018, the parties filed an Agreed Motion to Stay the *Zarinebaf Action* pending a ruling on Defendants’ Motion to Dismiss Plaintiffs’ Complaint in the related *Chernik Action*. (*See* Dkt. No. 15.)

8. On November 8, 2018, the Court granted the parties' agreed motion to stay the *Zarinebaf* Action. (Dkt. No. 18.)

9. On February 6, 2019, Plaintiffs filed a Second Amended Complaint in the *Zarinebaf* Action (Dkt. No. 26), which is the operative pleading in the case.

10. On March 6, 2019, Champion filed a motion to dismiss the Second Amended Complaint. (*See* Dkt. No. 36.)

11. On July 30, 2019, the Court granted in part Champion's motion to dismiss, and granted Plaintiffs until August 20, 2019 to re-plead the dismissed claims, if possible. (*See* Dkt. No. 47.)

The Parties' Joint Request For a Stay

12. On June 25, 2019, the Court issued a Notification of Docket Entry in the *Chernik* Action (Dkt. No. 41), directing the parties to file a Joint Status Report regarding both the *Chernik* Action and *Zarinebaf* Action by July 22.

13. Pursuant to the Court's directive, on July 22, the parties submitted a Joint Status Report (*see* Dkt. No. 42). In the Joint Status Report, the parties updated the Court on the status of *Reitman v. Champion Petfoods USA, Inc., et al.*, No. 2:18-cv-1736 (C.D. Cal.) ("*Reitman*"), which is the first-filed action by the same counsel for Plaintiffs here and which is based on substantially similar claims as those alleged against Champion here. The parties further updated the Court on the status of *Weaver v. Champion Petfoods USA, Inc., et al.*, No. 2:18-cv-01996-JPS (E.D. Wis.) ("*Weaver*"), also filed by the same counsel for Plaintiffs here and based on substantially similar claims as those alleged against Champion here.

14. The trial in *Weaver* is specially set to commence on December 16, 2019, and trial in *Reitman* remains specially set for January 28, 2020.

15. As outlined in the Joint Status Report, the parties have additional significant upcoming deadlines in both *Weaver* and *Reitman*.

16. Both the *Weaver* and *Reitman* cases are well ahead of the above-captioned cases, with fact discovery having closed, the parties having commenced expert discovery, and about to commence class certification briefing and summary judgment motions. The resolution of both the *Weaver* and *Reitman* cases may guide how the above-captioned cases are presented, litigated, and defended.

17. In a desire to avoid further litigation costs for the parties and to conserve judicial resources, the parties respectfully request that the Court grant this joint motion to stay pending resolution of the *Weaver* and *Reitman* cases, which are both scheduled for trial with those trial dates not expected to change.

18. This request is made in the interests of justice and not for the purposes of delay. This is the first request to stay the *Chernik* Action and the second request to stay the *Zarinebaf* Action, as noted above.

WHEREFORE, for the reasons stated above, Plaintiff Zachary Chernik in the case captioned *Chernik et al. v. Champion Petfoods USA Inc. et al.*, Docket No. 1:18-cv-04347, Plaintiffs Afshin Zarinebaf and Zachary Chernik in the case captioned *Zarinebaf et al. v. Champion Petfoods USA Inc. et al.*, Docket No. 1:18-cv-06951, and Defendants, Champion Petfoods USA Inc. and Champion Petfoods LP, respectfully request that the Court grant their Joint Motion for a Stay, staying these cases until the resolution before the trial court in *Reitman*, or until March 1, 2020, whichever is earlier.

Dated: August 7, 2019

Respectfully submitted,

/s/ Francis A. Citera

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CERTIFICATE OF SERVICE

I, Francis A. Citera, hereby certify that on August 7, 2019, I caused to be electronically filed the foregoing **Joint Motion to Stay** with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Francis A. Citera