

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

RANDALL SULZER, *individually and on behalf of all others similarly situated,*

Plaintiff,

v.

THE KRAFT HEINZ COMPANY, and  
DOES 1-10, inclusive

Defendants.

Case No. 2:20-cv-1154-WSS

The Honorable William S. Stickman

**THE KRAFT HEINZ COMPANY’S UNOPPOSED MOTION TO STAY ACTION OR, IN THE ALTERNATIVE, EXTEND DEADLINE TO FILE A RESPONSIVE PLEADING**

Defendant, The Kraft Heinz Company (“Kraft Heinz”), respectfully moves this Court to stay this action or, in the alternative, continue its deadline to respond to the Complaint by twenty-eight days as the parties attempt to reach a resolution of this case. In support of its motion, Kraft Heinz states as follows:

1. On September 23, 2020, Kraft Heinz sought a thirty-day extension of its deadline to respond to the Complaint so that the parties could focus their energies on an October 8, 2020 mediation regarding the claims asserted in this matter. The Court granted Kraft Heinz’s motion for an extension on September 24, 2020 and directed Kraft Heinz to file a responsive pleading on or before October 23, 2020.

2. As a result of the October 8, 2020 mediation, the parties are in the process of finalizing a settlement that they anticipate will resolve the claims asserted in this case. Given the parties’ expectation that they will soon reach a resolution, a stay will conserve both the parties’ and the Court’s resources and will serve the interest of judicial economy.

3. On October 21 and 22, 2020, Kraft Heinz’s counsel exchanged messages with Plaintiff’s counsel regarding Kraft Heinz’s request for a stay. Plaintiff’s counsel agreed that the

relief requested herein is appropriate and does not oppose Kraft Heinz's request for a stay or, in the alternative, for a twenty-eight day extension of its deadline to respond to the Complaint.

4. As noted earlier, Kraft Heinz has previously sought one extension of its deadline to answer, move, or otherwise respond to the Complaint in this action. Pursuant to that request, which was granted, Kraft Heinz's deadline to respond to the Complaint is currently October 23, 2020. If this Court declines to stay the action, but grants Kraft Heinz's request for a continuance, Kraft Heinz's responsive pleading will be due on November 20, 2020.

5. Granting this Motion will cause no prejudice to the parties, the Court, or the expedient adjudication of this action.

For these reasons, Kraft Heinz respectfully requests that the Court stay this action or, in the alternative, extend its deadline to respond to the Complaint until November 20, 2020.

Dated: October 22, 2020

Respectfully submitted,

/s/ George L. Stewart, II

George L. Stewart II

PA I.D. No. 56842

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*Counsel for Defendant*

*The Kraft Heinz Company*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing Motion was filed electronically on this 22<sup>nd</sup> day of October, 2020. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's ECF System.

/s/ George L. Stewart II  
Counsel for Defendant

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**[PROPOSED] ORDER GRANTING  
THE KRAFT HEINZ COMPANY'S UNOPPOSED MOTION TO STAY ACTION OR, IN  
THE ALTERNATIVE, EXTEND DEADLINE TO FILE A RESPONSIVE PLEADING**

AND NOW, this \_\_\_\_\_ day of October 2020, upon consideration of the Unopposed Motion to Stay Action or, in the Alternative, Extend Deadline to File a Responsive Pleading, and after due deliberation and good and sufficient cause appearing,

**IT IS HEREBY ORDERED, ADJUGED, AND DECREED THAT** this action is stayed pending the finalization of the parties' efforts to settle this action.

Dated: \_\_\_\_\_

\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE