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Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

ELENA NACARINO and MEGAN
TAYLOR, as individuals, on behalf of
themselves, the general public and those
similarly situated,

Plaintiffs,

vs.

KASHI COMPANY,

Defendant.

CASE NO. 3:21-CV-07036-VC

PLAINTIFFS' NOTICE OF APPEAL

Hon. Vince Chhabria

1 TO DEFENDANT AND THEIR ATTORNEYS OF RECORD:

2 Notice is hereby given that, pursuant to 28 U.S.C. § 1291 and 28 U.S.C. § 2107(a),
3 Plaintiffs Elena Nacarino and Megan Taylor appeal to the United States Court of Appeals for the
4 Ninth Circuit from both (a) this Court's order (Dkt. No. 43), filed February 9, 2022, and (b) this
5 Court's final judgment dismissing the action (Dkt. No. 44), filed February 10, 2022.

6 In accordance with the Federal Rule of Appellate Procedure 12(b) and the Ninth Circuit
7 Rule 3-2(b), a Representation Statement is attached as Exhibit A.

8 Dated: March 14, 2022

Respectfully submitted,

9 **GUTRIDE SAFIER LLP**

10 /s/Seth A. Safier

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20 *Attorneys for Plaintiffs*

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REPRESENTATION STATEMENT

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In accordance with the Federal Rule of Appellate Procedure 12(b) and the Ninth Circuit Rule 3-2(b), the following list represents all parties to the action and, upon information and belief, their respective counsel by name, address, telephone number, and email address.

Party	Counsel of Record
<p>18 19 20 21 22 23 24 25 26</p> <p>Plaintiffs-Appellants Elena Nacarino and Megan Taylor</p>	<p>GUTRIDE SAFIER LLP Seth A. Safier (State Bar No. 197427) Marie A. McCrary, Esq. (State Bar No. 262670) Hayley Reynolds, Esq. (State Bar No. 306427) 100 Pine Street, Suite 1250 San Francisco, CA 94111 Telephone: (415) 639-9090 Facsimile: (415) 449-6469 seth@gutridesafier.com marie@gutridesafier.com hayley@gutridesafier.com</p> <p>Matthew T. McCrary (appearing <i>pro hac vice</i>) Kali R. Backer (appearing <i>pro hac vice</i>) 4450 Arapahoe Ave., Suite 100 Boulder, CO 80303 Telephone: (415) 639-9090 matt@gutridessafier.com kali@gutridesafier.com</p>
<p>27 28</p> <p>Defendant-Appellee Kashi Company</p>	<p>JENNER & BLOCK LLP Dean N. Panos (pro hac vice) dpanos@jenner.com 353 North Clark Street Chicago, IL 60654 Phone: (312) 222-9350 Facsimile: (312) 527-0484</p> <p>Alexander M. Smith (Cal. Bar No. 295187) asmith@jenner.com 515 South Flower Street, Suite 3300 Los Angeles, CA 90071 Phone: (213) 239-5100 Facsimile: (213) 239-5199</p>

1 Dated: March 14, 2022

Respectfully submitted,

2 **GUTRIDE SAFIER LLP**

3 /s/Seth A. Safier

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20 Attorneys for Plaintiffs

21 **UNITED STATES DISTRICT COURT**
 22 **NORTHERN DISTRICT OF CALIFORNIA**

23 ELENA NACARINO and MEGAN
 24 TAYLOR, as individuals, on behalf of
 25 themselves, the general public and those
 26 similarly situated,

27 Plaintiffs,

28 v.

KASHI COMPANY,

Defendant.

CASE NO. 3:21-cv-07036-VC

**DECLARATION OF KALI BACKER
PURSUANT TO LOCAL RULE 5-1(d)(5)**

1 I, Kali Backer, declare:

2 1. I am an attorney with the law firm Gutride Safier LLP, counsel of record for
3 Plaintiffs in the above-captioned matter. I am admitted to practice before this Court in this case. I
4 submit this declaration pursuant to Local Rule 5-1(d)(5) with respect to Plaintiffs' Notice of
5 Appeal and Representation Statement. I have personal knowledge of the matters set forth in this
6 declaration and would competently testify to them if called as a witness.

7 2. On March 11, 2022, I attempted to file Plaintiffs' Notice of Appeal and
8 Representation Statement electronically with the Court's ECF filing system at least two times
9 after noon separated by at least one hour.

10 3. Every time I attempted to file on March 11, 2022, the Court's ECF filing system's
11 website would not load.

12 I declare under penalty of perjury under the laws of the United States that the foregoing is
13 true and correct

14 Dated: March 14, 2022

/s/ Kali Backer
Kali Backer

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