

1 COOLEY LLP
MICHELLE C. DOOLIN (179445)
2 (mdoolin@cooley.com)
MEGAN L. DONOHUE (266147)
3 (mdonohue@cooley.com)
VIVIENNE A. PISMAROV (345611)
4 (vpismarov@cooley.com)
10265 Science Center Drive
5 San Diego, CA 92121-1117
Telephone: (858) 550-6000
6 Facsimile: (858) 550-6420

7 MAXIMILIAN SLADEK DE LA CAL (324961)
(msladekdelacal@cooley.com)
8 1333 2nd Street, Suite 400
Santa Monica, CA 90401-4100
9 Telephone: (310) 883-6400
Facsimile: (310) 883-6500

10 Attorneys for Defendant
11 VNGR BEVERAGE, LLC d/b/a POPPI

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA

14
15 In re VNGR BEVERAGE, LLC
LITIGATION

Case No. 4:24-cv-03229-HSG

CLASS ACTION

JOINT STIPULATION TO STAY PROCEEDINGS

16
17
18 This Document Relates to:
Case No. 4:24-cv-03612-HSG
19 Case No. 4:24-cv-06666-HSG

Dept: Courtroom 2
Judge: Judge Haywood S. Gilliam, Jr.

20
21
22
23
24
25
26
27
28

1 Pursuant to Civil Local Rule 7-12, Plaintiffs Kristin Cobbs, Carol Lesh, Sarah Coleman,
2 and Megan Wheeler (“Plaintiffs”) and Defendant VNGR Beverage, LLC d/b/a Poppi (“Defendant”
3 or “Poppi,” and together with “Plaintiffs,” the “Parties”) hereby jointly stipulate and agree as
4 follows:

5 1. WHEREAS, the above consolidated action, *In re VNGR Beverage, LLC Litigation*,
6 Case No. 4:24-cv-03229-HSG (ECF No. 1, the “Consolidated Action”) is presently pending before
7 the Court;

8 2. WHEREAS, on August 20, 2024, Plaintiffs filed a Second Amended Consolidated
9 Complaint (“SAC”) (ECF No. 35);

10 3. WHEREAS, on September 23, 2024, Poppi filed its Motion to Dismiss the SAC,
11 which was initially scheduled for a hearing before this Court on December 5, 2024 at 2:00 p.m.
12 (ECF No. 37);

13 4. WHEREAS, on October 21, 2024, the Court granted the Parties’ Joint Stipulation
14 to Continue the Motion to Dismiss Hearing to December 19, 2024 at 2:00 p.m. (ECF No. 42);

15 5. WHEREAS, on December 4, 2024, the Parties attended a private mediation with the
16 Honorable Judge Jay C. Gandhi (Ret.) and subsequently have continued to discuss a potential
17 resolution of the Consolidated Action;

18 6. WHEREAS, on December 6, 2024, the Court vacated the December 19, 2024
19 hearing (ECF No. 47); and

20 7. WHEREAS, the Parties have reached a resolution in principle and agree that a stay
21 of sixty (60) calendar days would provide the Parties with additional time to finalize and execute a
22 formal class settlement agreement, as well as preserve judicial resources given Defendants’ pending
23 Motion to Dismiss.

24 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by the Parties
25 hereto, through their undersigned counsel, as follows:

26 1. The Consolidated Action is stayed for sixty (60) calendar days.
27
28

1 2. This Stipulation shall not preclude or prevent the Parties from stipulating to, or
2 moving for, a court order lifting, modifying or extending the terms of this Stipulation upon a
3 showing of good cause.

4 3. The Parties are not waiving any rights, claims, or defenses of any kind except as
5 expressly stated herein, and the Parties reserve the right to seek relief from the stay as circumstances
6 may warrant, subject to the Court’s approval.

7 Dated: December 13, 2024

COOLEY LLP

/s/ Michelle C. Doolin

MICHELLE C. DOOLIN (179445)

(mdoolin@cooley.com)

MEGAN L. DONOHUE (266147)

(mdonohue@cooley.com)

VIVIENNE A. PISMAROV (345611)

(vpismarov@cooley.com)

10265 Science Center Drive

San Diego, CA 92121-1117

Telephone: (858) 550-6000

Facsimile: (858) 550-6420

MAXIMILIAN SLADEK DE LA CAL (324961)

(msladekdelacal@cooley.com)

1333 2nd Street, Suite 400

Santa Monica, CA 90401-4100

Telephone: (310) 883-4100

Facsimile: (310) 883-6500

Attorneys for Defendant

VNGR BEVERAGE, LLC d/b/a POPPI

18
19
20 Dated: December 13, 2024

BURSOR & FISHER, P.A.

/s/ L. Timothy Fisher

L. Timothy Fisher (State Bar No. 191626)

ltfisher@bursor.com

Joshua B. Glatt (State Bar No. 354064)

jglatt@bursor.com

1990 North California Blvd., Suite 940

Walnut Creek, CA 94596

Telephone: (925) 300-4455

Facsimile: (925) 407-2700

Co-lead Interim Class Counsel

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ATTESTION OF CONCURRENCE IN FILING

Pursuant to the United States District Court for the Northern District of California, Civil L.R. 5-1(i), I, Michelle C. Doolin, hereby attests that the concurrence to the filing of the foregoing document has been obtained from the signatories.

Dated: December 13, 2024

COOLEY LLP

/s/ Michelle C. Doolin
MICHELLE C. DOOLIN (179445)
(mdoolin@cooley.com)
MEGAN L. DONOHUE (266147)
(mdonohue@cooley.com)
VIVIENNE A. PISMAROV (345611)
(vpismarov@cooley.com)
10265 Science Center Drive
San Diego, CA 92121-1117
Telephone: (858) 550-6000
Facsimile: (858) 550-6420

MAXIMILIAN SLADEK DE LA CAL (324961)
(msladekdelacal@cooley.com)
1333 2nd Street, Suite 400
Santa Monica, CA 90401-4100
Telephone: (310) 883-4100
Facsimile: (310) 883-6500

Attorneys for Defendant
VNGR BEVERAGE, LLC d/b/a POPPI

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED. The Court, having considered the parties' Joint Stipulation to Stay Proceedings, pursuant to Civil Local Rule 7-12, the Court hereby grants a stay of sixty (60) calendar days of this Consolidated Action.

Dated: _____, 2024

By: _____
Judge Haywood S. Gilliam, Jr.