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18 UNITED STATES DISTRICT COURT  
19 NORTHERN DISTRICT OF CALIFORNIA  
20 SAN JOSE DIVISION

21 JEFF MAINS, an individual, on his own behalf  
and on behalf of all others similarly situated,

22  
23 Plaintiff,

24 v.

25 WHOLE FOODS MARKET  
CALIFORNIA, INC, *et al.*

26 Defendants.  
27

Case No. CV12-05652 EJD

**CLASS ACTION**

**JOINT NOTICE OF RESOLUTION OF  
NINTH CIRCUIT APPEALS AND  
REQUEST FOR CASE MANAGEMENT  
CONFERENCE**

1 Pursuant to the Court’s April 18, 2016 Order Granting Plaintiff’s Motion to Stay (Dkt. 74), the  
2 parties, Jeff Mains (“Plaintiff”) and Whole Foods Market California, Inc., Mrs. Gooch’s Natural Foods  
3 Market, Inc., WFM-WO, Inc., and WFM Private Label, L.P. (“Defendants”) submit this Joint Notice of  
4 Resolution of Ninth Circuit Appeals and Request for Case Management Conference.

5 On April 18, 2016, the Court stayed this action pending the Ninth Circuit’s resolution of appeals  
6 in *Brazil v. Dole Food Company, Inc.*, No. 14-17480, *Jones v. ConAgra Foods, Inc.*, No. 14-16327, and  
7 *Kosta v. Del Monte Foods, Inc.*, No. 15-16974. Order Granting Plaintiff’s Motion to Stay (Dkt. 74).  
8 The Court further ordered the parties to file a joint notice with the Court within 10 days of the filing of  
9 the Ninth Circuit’s opinion in the last of the three cases. *Id.*

10 While the Ninth Circuit has not filed an opinion in each of the three appeals, each of the appeals  
11 are effectively resolved. In *Brazil v. Dole*, the Ninth Circuit filed an unpublished opinion on September  
12 30, 2016. In *Jones v. ConAgra*, the Ninth Circuit dismissed the appeal pursuant to the stipulation of the  
13 parties on August 14, 2017. In *Kosta v. Del Monte*, the Ninth Circuit dismissed the appeal pursuant to  
14 the stipulation of the parties on September 6, 2017.

15 Accordingly, the parties request that the Court reopen the matter and schedule a case  
16 management conference.

17 DATED: January 17, 2018

PROVOST UMPHREY LAW FIRM L.L.P.

19 By: W. Michael Hamilton

20 W. Michael Hamilton

21 Attorneys for Plaintiff

22 DATED: January 17, 2018

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24 By: Joseph J. Orzano

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