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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

FRANK ORTEGA and TROY) Case No. 2:13-cv-05942-ABC-E
LAMBERT, on behalf of themselves)
and all others similarly situated,) CLASS ACTION

Plaintiffs,) **ORDER RE: ORDER GRANTING**
vs.) **CLASS CERTIFICATION**

NATURAL BALANCE, INC., et al.,) Judge: Audrey B. Collins
Defendants.)

1 The motion of Plaintiffs Frank Ortega and Troy Lambert for an order certifying a
2 class came on for hearing in Courtroom 680 of this Court on June 16, 2014.

3 Having reviewed the papers in support of and in opposition to the motion, and
4 good cause appearing, this Court GRANTED the Motion, for the reasons set forth in its
5 detailed Order dated June 19, 2014 (Dkt. No. 80).

6 **IT IS FURTHER ORDERED THAT:**

7 1. The class to be certified is defined as:

8 **All persons (excluding officers, directors, and employees of Defendants**
9 **Natural Balance, Inc., Nutraceutical Corp. and Nutraceutical International**
10 **Corp.) who purchased, on or after August 14, 2009, Defendants' Cobra**
11 **Products (in all packaging sizes and iterations) in California for their own use**
12 **rather than resale or distribution.**

13 2. Plaintiffs Frank Ortega and Troy Lambert are appointed as Class Representatives.

14 3. The Weston Firm and the Law Offices of Ronald A. Marron are appointed Lead
15 Class Counsel.

16 4. Lead Class Counsel shall provide general supervision of the activities of any other
17 Plaintiffs' counsel and shall have the sole authority to perform or delegate as
18 appropriate the following:

19 a. determine and present (in briefs, oral argument, or such other fashion as may
20 be appropriate, personally or by a designee) to the Court and opposing
21 parties the position of the Plaintiffs on all matters arising during the pretrial
22 proceedings;

23 b. coordinate the initiation and conduct of discovery on behalf of Plaintiffs
24 consistent with the requirements of the Federal Rules;

c. conduct settlement negotiations on behalf of Plaintiffs'

d. delegate specific tasks to other counsel in a manner to ensure that pretrial
preparation for the Plaintiffs is conducted efficiently and effectively;

e. enter into stipulations and/or agreements with opposing counsel as necessary

1 for the conduct of the litigation;

2 f. monitor the activities of all counsel to ensure that schedules are met and
3 unnecessary expenditures of time and funds are avoided;

4 g. allocate the distribution of attorneys' fees and reimbursement of expenses
5 ordered by the Court, if any; and

6 h. perform such other duties as may be incidental to the proper coordination of
7 Plaintiffs' pretrial activities or authorized by further order of this Court.

8 5. The Notice Plan submitted by Plaintiffs (*see* Dkt. Nos. 65-3 & 71, Ex. 8) is
9 approved, subject to the required modification of the class definition. Plaintiffs
10 shall pay for the cost of the pre-judgment Notice. Defendants are ordered to
11 provide all e-mail and postal mail address of persons who may be class members to
12 Plaintiffs' counsel within twenty-one (21) days of the date of this Order.
13 Defendants are further ordered to post the Summary Notice on all web site(s) they
14 own or operate, with a link to the Notice Web Site, as indicated in the Notice Plan.


15 6. Any subsequently filed, substantially similar cases filed in or transferred to this
16 District, are to be consolidated for all purposes including trial, under Case No.
17 2:13-cv-05942-ABC-E (collectively the "Consolidated Action"), and shall bear the
18 following caption:

19 IN RE COBRA SEXUAL ENERGY SALES PRACTICES LITIGATION

20 Case No. 2:13-cv-05942-ABC-E

21 All papers filed in connection with the Consolidated Action need only be filed in
22 Case No. 2:13-cv-05942-ABC-E.

23 DATED: June 30, 2014

24 

Honorable Audrey B. Collins
United States District Court Judge