

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ROBERT E. FIGY,  
Plaintiff,

v.

LIFEWAY FOODS, INC.,  
Defendant.

Case No. 13-cv-04828-TEH

**ORDER LIFTING STAY**

On May 5, 2014, this Court issued an order staying this action pending final guidance from the U.S. Food and Drug Administration (“FDA”) on whether “Evaporated Cane Juice” is an appropriate name for an ingredient in certain products from Defendant Lifeway Foods, Inc. Docket No. 44. After carefully considering the parties’ positions on the propriety of maintaining this stay in light of the FDA’s delay in providing final guidance (*see* Docket No. 54), the Court now lifts the stay.

Defendant has requested additional briefing on its motion to dismiss Plaintiff’s First Amended Complaint (Docket No. 24), which the Court previously GRANTED IN PART only as to Defendant’s request to stay this action (*see* Docket No. 44). Rather than allow additional briefing, the Court orders that Defendant may re-file the motion to dismiss, updated to reflect any developments in the law, on or before **February 1, 2016**. Should Defendant choose to re-file the motion, the briefing and hearing schedule shall be set according to the Civil Local Rules.

**IT IS SO ORDERED.**

Dated: 01/04/16



THELTON E. HENDERSON  
United States District Judge

United States District Court  
Northern District of California

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