

1
2
3
4 UNITED STATES DISTRICT COURT
5 NORTHERN DISTRICT OF CALIFORNIA
6

7 MARY SWEARINGEN, et al.,

8 Plaintiffs,

9 v.

10 PACIFIC FOODS OF OREGON, INC.,

11 Defendant.

Case No. [3:13-cv-04157-JD](#)

ORDER LIFTING STAY

Re: Dkt. No. 60

12
13 On July 30, 2014, the Court stayed this action pending final guidance from the U.S. Food
14 and Drug Administration on the use of the term “Evaporated Cane Juice” in food labeling. Dkt.
15 No. 45. That stay has since been extended in 90-day increments for more than a year and a half.
16 Dkt. Nos. 49, 51, 53, 56, 59.

17 After carefully considering the parties’ positions on the merits of maintaining the stay in
18 light of the FDA’s continued delay in providing final guidance (*see* Dkt. No. 60), the Court now
19 lifts the stay. As directed by the Court, *see* Dkt. Nos. 45, 46, plaintiff has filed an amended
20 complaint during the pendency of the stay. Dkt. No. 47. The defendant is ordered to respond to
21 plaintiff’s amended complaint on or before January 27, 2016.

22 **IT IS SO ORDERED.**

23 Dated: January 5, 2016

24
25
26 
27 JAMES DONATO
28 United States District Judge