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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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9 RICHARD REES, et.al,

CASE NO. CV-F-05-00297 AWI LJO

10 Plaintiff,

**ORDER TO RESET PRETRIAL
CONFERENCE**

11 vs.

12 SOUZA'S MILK TRANSPORTATION,
13 CO., et al.,

Date: February 9, 2009

Time: 8:15 a.m.

Dept.: 4 (LJO)

14 Defendants.
15 _____/

16 Plaintiffs' counsel Jerry Budin ("Mr. Budin") has filed papers to indicate that settlement has been
17 reached but that plaintiff class representatives Richard Rees ("Mr. Rees") and Robert Winters ("Mr.
18 Winters") have refused to sign the settlement agreement to prevent preliminary and final approval. If Mr.
19 Budin has concluded that Mr. Rees and Mr. Winters should be replaced as class representatives, Mr.
20 Budin should file an ex parte application to seek on shorten time determination of a motion to appoint
21 new class representative in place of Mr. Rees and Mr. Winters. Such papers must include the ex parte
22 application and papers which Mr. Budin wishes the Court to consider on shortened time. Such papers
23 must be served on Mr. Rees and Mr. Winters and explain how appointment of new class representatives
will affect Mr. Rees and Mr. Winters.

24 On the basis of good cause, this Court RESETS the pretrial conference to February 9, 2009 at 8:15
25 a.m. in Department 4 (LJO). The February 23, 2009 trial remains as set.
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27 IT IS SO ORDERED.

28 **Dated: January 7, 2009**

/s/ Lawrence J. O'Neill

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UNITED STATES DISTRICT JUDGE