

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

9 RICHARD REES, et.al,
10 Plaintiff,
11 vs.
12 SOUZA'S MILK TRANSPORTATION,
CO., et al.,
13 Defendants.
CASE NO. CV-F-05-00297 AWI LJO
**ORDER TO RESET PRETRIAL
CONFERENCE**
Date: February 9, 2009
Time: 8:15 a.m.
Dept.: 4 (LJO)

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

27 || IT IS SO ORDERED.

28 | **Dated:** January 7, 2009

/s/ Lawrence J. O'Neill

UNITED STATES DISTRICT JUDGE

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