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13	UNITED STATES DISTRICT COURT	
14	EASTERN DISTRICT OF CALIFORNIA	
15	FRESNO DIVISION	
16	ASSOCIATION OF IRRITATED RESIDENTS, an unincorporated association,	Case No. 1:05-CV-00707-OWW-SMS
17	Plaintiff.	ORDER RE OCTOBER 23, 2009
18	V.	STATUS CONFERENCE
19	FRED SCHAKEL DAIRY, a California	
20	Proprietorship; FRED SCHAKEL, owner and operator; SCHAKEL FAMILY	Dates of
21	PARTNERSHIP, a California Limited	Hearings: 12/17/2009 and 1/25/2010
22	Partnership, owner and operator; AG RESOURCES III, a California Limited	Courtroom: 3 Judge: Hon. Oliver W. Wanger
23	Liability Company, owner; and SOUTH LAKES DAIRY, a California general	
24	partnership, owner and operator,	
25	Defendants.	
26	The Court having heard Counsels' arguments at the October 23, 2009 Status Conference;	
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STOEL RIVES LLP ATTORNEYS AT LAW SACRAMENTO	[PROPOSED] ORDER RE OCTOBER 23, 2009 STATUS CONFERENCE	1- 1:05-CV-00707-OWW-SMS

1 IT IS HEREBY ORDERED: 2 Having reviewed the Joint Status Conference Statement (Doc. 370) and the two 3 Supplemental Statements filed on October 21, 2009 (Doc. 435 and 436), the Court orders two 4 motions set for hearing as follows: 5 1. The Court recognizes that no formal motion to lift the stay of this case has been 6 filed, but in the interest of litigant and judicial economy, the Court considers Plaintiff Association 7 of Irritated Residents' arguments in their status reports (Doc. 367, 370, and 436) to reflect AIR's 8 motion and opening briefing. The hearing on the motion to lift the stay of this case will be held 9 on December 17, 2009 at 12 p.m. before the Honorable Oliver W. Wanger, United States District 10 Court, 2500 Tulare Street, Dept. 3, Fresno, California. Defendants' Opposition shall be filed on or before November 13, 2009; 11 (a) 12 and 13 (b) Plaintiff's Reply shall be filed on or before November 23, 2009. 14 2. The motion to determine the applicability of Fed. R. Civ. P. 68 will be heard on 15 January 25, 2010 at 10:30 a.m. before the Honorable Oliver W. Wanger, United States District 16 Court, 2500 Tulare Street, Dept. 3, Fresno, California. 17 Defendants' Opening Brief shall be filed on or before November 18, 2009; (a) 18 (b) Plaintiff's Opposition shall be filed on or before December 11, 2009; and 19 Defendants' Reply shall be filed on or before January 4, 2010. (c)

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STOEL RIVES LLP

ATTORNEYS AT LAW

SACRAMENTO

[PROPOSED] ORDER RE OCTOBER 23, 2009 STATUS CONFERENCE

/s/ OLIVER W. WANGER

JUDGE OF THE UNITED STATES DISTRICT COURT

Hon. Oliver W. Wanger

Dated: November 17, 2009