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5
 6 UNITED STATES DISTRICT COURT
 7 EASTERN DISTRICT OF CALIFORNIA
 8 FRESNO DIVISION

9
 10 MANUEL LOPES and MARIANA
 LOPES, dba LOPES DAIRY;
 RAYMOND LOPES; JOSEPH
 11 LOPES and MICHAEL LOPES,
 individually and dba WESTSIDE
 12 HOLSTEIN; ALVARO
 MACHADO and TONY ESTEVAM,

CASE NO. 1:06-CV-01243-OWW-SMS

**ORDER AFTER HEARING ON MOTIONS
 FOR SUMMARY JUDGMENT**

13 Plaintiffs,

Date: December 21, 2009
 Time: 9:00 a.m.
 Place: Department 3
 Judge: Honorable Oliver W. Wanger

14 vs.

15
 16 GEORGE VIEIRA; MARY VIEIRA;
 CALIFORNIA MILK MARKET, a
 17 California Corporation; VALLEY
 GOLD, LLC, a California Limited
 18 Liability Company; GENSKE-
 MULDER, LLP a California Limited
 19 Liability Partnership; ANTHONY
 CARY; DOWNEY BRAND LLP, a
 20 California Limited Liability
 Partnership; CENTRAL VALLEY
 21 DAIRYMEN, INC. a California Food
 and Agricultural Nonprofit
 22 Cooperative Association, and DOES
 1 through 25, inclusive,

23 Defendants

24 _____ /

25 The Court heard extended argument on Plaintiffs' request for a continuance
 26 of the hearing on the pending summary judgment motions to allow them to depose
 27 Ted Kern and a Downey Brand attorney. The Court also heard extended
 28 argument on the merits of the motions.

1 Plaintiffs' motion for a continuance to depose Ted Kern is granted. Plaintiffs
2 are to depose him immediately and then inform the Court immediately afterward if
3 they wish to submit material from Mr. Kern's deposition in opposition to the
4 motion. If Plaintiffs inform the Court they will not submit additional material, the
5 motions will be submitted for decision. If Plaintiffs do not inform the Court by the
6 close of the business day on January 6, 2010 that they intend to submit additional
7 material from the deposition of Mr. Kern, the motions will be submitted for
8 decision.

9 If Plaintiffs intend to submit additional material from Mr. Kern's deposition,
10 they will file it with the Court one working day after the deposition is completed.
11 Defendants will be provided one working day from the date that material is filed to
12 file a reply. The motion will then be taken under submission.

13 The Court will decide the two motions raising attorney-client and other
14 privilege issues now pending before the Magistrate Judge.

15 The Court will issue further orders regarding the depositions of a Downey
16 Brand attorney and expert witness discovery after deciding the pending motions
17 for summary judgment.

18 The December 28, 2009, date for submitting joint pretrial statements is
19 vacated pending a further order of the Court.

20 IT IS SO ORDERED.

21 Dated: December 23, 2009

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE