

1 Lawrence H. Meuers (SBN 197663)  
2 Katy Koestner Esquivel (Pro Hac Vice)  
3 MEUERS LAW FIRM, P.L.  
4 5395 Park Central Court  
5 Naples, FL 34109-5932  
6 Telephone: (239)513-9191  
7 *Attorneys for Plaintiff Sun Pacific*

8 Stephen P. McCarron (Pro Hac Vice)  
9 MCCARRON & DIESS  
10 4900 Massachusetts Avenue, NW  
11 Washington, DC 20016  
12 Tel: 202-364-0400

13 James H. Wilkins (SBN 116364)  
14 WILKINS, DROLSHAGEN  
15 & CZESHINSKI, LLP  
16 7050 N. Fresno Street, Suite 204  
17 Fresno, CA 93720  
18 Tel: 559-438-2390  
19 *Attorneys for Defendant DiMare Fresh*

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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
FRESNO DIVISION**

**SUN PACIFIC MARKETING  
COOPERATIVE, INC.,**

**Plaintiff/Appellant,**

**vs.**

**DIMARE FRESH, INC.,**

**Defendant/Appellee.**

**Case No.: 1:06-cv-01404-AWI-LJO**

**STIPULATION AND ORDER TO  
ENLARGE NON-EXPERT  
DISCOVERY DEADLINE**

**STIPULATION TO ENLARGE DISCOVERY DEADLINE**

1. On July 23, 2009, this Court entered an Order<sup>1</sup> extending the deadline for non-expert discovery to October 1, 2009.

2. Since entry of that Order, Plaintiff Sun Pacific Marketing Cooperative, Inc. has issued document subpoenas to a number of non-parties, has scheduled the depositions of representatives of Defendant DiMare Fresh, Inc. and several non-party

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<sup>1</sup> DE 81.

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1 witnesses for August 31 and September 1, and has filed a Motion to Compel<sup>2</sup> better  
2 responses from DiMare to discovery requests. A hearing on Sun Pacific's Motion to  
3 Compel is scheduled for September 4, 2009.

4 3. On Monday, August 17, 2009, Defendant DiMare filed a Motion for  
5 Protective Order<sup>3</sup> seeking to limit the scope of Sun Pacific's non-party discovery, as well  
6 as the scope of discovery between the parties.

7 4. Given the September 4 hearings, the parties will not have sufficient time to  
8 complete discovery prior to the October 1 deadline.

9 5. The parties therefore stipulate to enlarge the period for non-expert  
10 discovery until 45 days after this Court rules on Plaintiff's Motion to Compel and  
11 Defendant DiMare Fresh, Inc.'s Motion for Protective Order.

12 6. The stipulated enlargement of time is not expected to impact any of the  
13 other deadlines set forth in this Court's Amended Scheduling Conference Order.<sup>4</sup>

14 Respectfully submitted on Wednesday, August 19, 2009.

15 **McCARRON & DIESS**

**MEUERS LAW FIRM, PL**

16 s/ Stephen P. McCarron

/s/ Lawrence H. Meuers

17 Stephen P. McCarron  
18 *Admitted Pro Hac Vice*  
19 4900 Massachusetts Avenue, NW  
20 Suite 310  
Washington, DC 20016  
Telephone: (202)364-0400  
Facsimile: (202) 364-2731  
smccarron@mccarronlaw.com

Lawrence H. Meuers  
*California Bar No.: 197663*  
Katy Koestner Esquivel  
*Admitted Pro Hac Vice*  
5395 Park Central Court  
Naples, Florida 34109-5932  
Telephone: (239) 513-9191  
Facsimile: (239) 513-9677  
lmeuers@meuerslawfirm.com  
kesquivel@meuerslawfirm.com

21 *Attorneys for Defendant DiMare Fresh*

*Attorneys for Plaintiff/Appellant*

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24 Dated: August 19, 2009

**SO ORDERED:**

/s/ Gary S. Austin  
Gary S. Austin  
United States Magistrate Judge

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<sup>2</sup> DE 84.

<sup>3</sup> DE 86.

<sup>4</sup> DE 85.