

1 RALPH B. WEGIS, SBN 67966
 2 MICHAEL J. STUMP, SBN 193542
 3 LAW OFFICES OF RALPH B. WEGIS, P.C.
 4 1930 TRUXTUN AVENUE
 5 BAKERSFIELD, CALIFORNIA 93301
 6 TELEPHONE: (661) 635-2100
 7 FAX: (661) 635-2107

8 Attorneys for Plaintiffs, Andrews Farms and
 9 Greg Palla, individually and on behalf of the class

10 UNITED STATES DISTRICT COURT
 11 FOR THE EASTERN DISTRICT OF CALIFORNIA
 12 FRESNO DIVISION

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| <p>11 ANDREWS FARMS, a California partnership;) 12 and, GREG PALLA, a sole proprietor and) 13 doing business as GREG PALLA FARMING) 14 COMPANY, individually, and on behalf of) 15 themselves and all others similarly situated,) 16) 17 Plaintiffs,) 18 vs.) 19 CALCOT, LTD; EADIE AND PAYNE, and) 20 DOES 1-50,) 21) 22 Defendants.)</p> | <p>Case No.: 1:07-CV-00464-LJO-DLB STIPULATION AND ORDER CONTINUING SCHEDULING CONFERENCE FOR CLASS ACTION [Doc. 159] [FRCP Rule 26(F)] Conference Presently Set: TIME: 9:30 a.m. PLACE: Courtroom 9(DLB) before Magistrate Judge Dennis L. Beck September 16, 2009 at 9:30a.m.</p> |
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21 All parties hereby stipulate and agree to continue the Scheduling Conference, presently
 22 set for September 16, 2009, for one week and respectfully submit that good cause exists for such
 23 continuance, as follows:

- 24 1. The Court, by United States District Court Judge Lawrence J. O’Neill on August 5,
 25 2009, issued the “*Order On Plaintiff’s Renewed Class Certification Motion And*
 26 *Defendant’s Motion For Summary Judgment*” [Doc.159] (“*Class Certification Order*”).
 27 That order certified Plaintiffs’ class against Calcot Ltd. ("Calcot"), Eadie and Payne ("E
 28 & P") and the former CEO of Calcot Robert Norris.

1 2. The *Class Certification Order* set a scheduling conference before United States
2 Magistrate Judge Dennis L. Beck for August 31, 2009 requiring a joint report by August
3 24, 2009. [Doc. 159, pg.21:25-22:6] The Court also directed the parties to meet and
4 confer on issues regarding the class notice and outstanding discovery issues and to raise
5 any unresolved issues at the scheduling conference. [Doc. 159, pg.21:9-14 & 21:25-
6 22:6]

7 3. The parties have been involved in meet and confer regarding, but not limited to,
8 plaintiffs' obtaining the records, electronically and in hard copy, to facilitate class notice,
9 including the possibility a Person Most Knowledgeable Deposition ("PMK") for such
10 records, the voluntary exchange of such records or information with or without the need
11 for PMK deposition, and technical issues regarding the electronically stored information.
12 The parties meet and confer on these issues appears to be proving productive and the
13 parties would like to continue those discussions further so the issues may be further
14 addressed and resolved, if not in whole, in part, prior to the scheduling conference or, at
15 the least, more fully crystallized for the conference.

16 4. Additionally, there are other areas of disagreement and meet and confer ongoing
17 and/or that will need to follow the further discussions regarding the records issues. This
18 is not meant to be a comprehensive summary of such issues. The parties will not burden
19 the Court with all such disagreements, many of which might be mooted, unless the Court
20 needs further information to support this request.

21 5. This is the second request for a continuance. Previously the parties obtained, by
22 stipulation, a two week continuance. (Doc. 161)

23 6. The parties respectfully request that the Scheduling Conference, and date for
24 submitting the joint report, be continued one week. The parties have met and conferred
25 on this issue and respectfully submit that good cause exists for such continuance as
26 discussed above.

27 7. The parties respectfully note that they may need to request further continuances
28 depending on how the ongoing meet and confer resolves or addresses the issues.

1 Further, nothing herein is intended by either party to waive any right to move the Court
2 further in this regard regarding the date of the scheduling conference should that party
3 believe such is appropriate.
4

5 Dated: September 4, 2009:

GRISWOLD, LASALLE, COBB,
DOWD & GIN, LLP

6
7 By /s/ Robert M. Dowd
8 ROBERT M. DOWD,
9 Attorneys for Defendant,
10 CALCOT, LTD and
11 ROBERT W. NORRIS.

12 Dated: September 4, 2009:

McCORMICK, BARSTOW, SHEPPARD,
WAYTE & CARRUTH, LLP

13 By /s/ Marshall C. Whitney
14 MARSHALL C. WHITNEY,
15 JERRY CASHEROS,
16 Attorneys for Defendant,
17 EADIE & PAYNE, LLP

18 Dated: September 4, 2009:

LAW OFFICES OF RALPH B. WEGIS

19 By /s/ Michael J. Stump
20 MICHAEL J. STUMP,
21 Attorneys for Plaintiffs,
22 ANDREW FARMS and
23 GREG PALLA, dba
24 GREG PALLA FARMING
25 COMPANY

ORDER

26 The Scheduling Conference is continued to 9/30/2009 at 9:15 am before Magistrate Judge
27 Beck.

28 IT IS SO ORDERED.

Dated: September 8, 2009

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE