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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

ANDREWS FARMS, et al	)	<b>Case No.: 1:07-cv-00464 LJO JLT</b>
	)	
Plaintiffs,	)	<b>ORDER ON STIPULATION GRANTING</b>
v.	)	<b>EXTENSION OF TIME WITHIN WHICH</b>
CALCOT. LTD., et al.	)	<b>TO FILE THE MOTION FOR APPROVAL</b>
	)	<b>OF SETTLEMENT</b>
Defendants.	)	(Doc. 326)
_____	)	

On March 28, 2011, the Court ordered the parties to file their stipulated notice of settlement no later than April 20, 2011 and their motion for approval of the settlement by May 12, 2011. (Doc. 319) However, due to the serious illness of one of Plaintiffs’ counsel, on April 19, 2011, the parties sought a two-week extension, to May 3, 2011, to file their stipulated notice of settlement. (Doc. 320) On April 20, 2011, the Court granted the stipulation. (Doc. 321)

On May 3, 2011, the parties sought a second extension of time within which to finalize their settlement and their first extension of time within which to file their motion for approval of the settlement. (Doc. 322) In support of this request, the parties reported that the serious illness of one of plaintiffs’ counsel had not resolved as quickly as they had anticipated and this continued to delay settlement efforts. *Id.* at 2. The parties asserted that they would file the Notice of Settlement no later than May 12, 2011 and their motion for approval of the settlement by May 23, 2011. *Id.* On May 4, 2011, the Court granted the extension. (Doc. 323) In the order granting the extension, the Court warned, **“No further extensions of time will be granted absent a showing of extraordinary good cause.”** *Id.*

1 at 2.

2 On May 17, 2011, the parties filed their settlement agreement. (Doc. 325) In the document,  
3 executed by all counsel, the parties agreed that “The Parties shall on or before May 23, 2011, jointly file  
4 with the Court an Application for Preliminary Approval of Class Action Settlement.” Id. at 2, ¶ 1.0.  
5 Counsel agreed that they “shall cooperate in good faith to jointly prepare the Preliminary Application.”  
6 Id.

7 Currently before the Court is the May 19, 2011, stipulation of the parties in which they seek an  
8 extension of time within which to file their motion for approval of the settlement. (Doc. 326) In essence,  
9 counsel reports that drafting a settlement agreement that was acceptable to all parties was more wieldy  
10 and time consuming than they had anticipated and the illness of one of Plaintiffs’ delayed these efforts.  
11 Id. at 2. They assert that they could not begin drafting the motion for approval of the settlement until the  
12 settlement agreement was accepted by all counsel because the terms of the settlement were not certain  
13 until that time. Id. Finally, counsel agree that the time remaining until the current filing deadline is  
14 insufficient to prepare a comprehensive and accurate motion. Id. Counsel commit that they will file the  
15 motion for approval of the settlement no later than June 6, 2011, despite that next week includes the  
16 Memorial Day holiday weekend.

17 Given the relatively brief extension of time sought, counsel’s representation that requiring strict  
18 compliance with the current deadline would likely result in a deficient motion and based significantly  
19 upon counsels’ commitment to file the motion no later than June 6, 2011 and the Court’s understanding  
20 that this representation means that counsel/the parties **will not seek another extension**, the Court  
21 **GRANTS** the stipulation.

22 Therefore, the Court **ORDERS** that the Motion for Preliminary Approval of the Settlement  
23 **SHALL BE FILED** no later than June 6, 2011.

24  
25 IT IS SO ORDERED.

26 Dated: May 20, 2011

27 /s/ Jennifer L. Thurston  
28 UNITED STATES MAGISTRATE JUDGE