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Attorneys for Defendants LASSEN DAIRY INC. (doing business as “Meritage Dairy”); TULE RIVER FARMS INC; TULE RIVER RANCH, INC; BONANZA FARMS; and WILLIAM VANDER POEL, SR.

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA – FRESNO DIVISION

JOSE A. LOPEZ, JUAN CARLOS)
APOLINAR, JUAN JOSE ESTRADA SOTA,)
JUAN JOSE CERVANTES, ISMAEL)
CUEVAS, REYNAR MENDOZA, and JESUS)
RODRIGUEZ, on behalf of themselves and all)
other similarly situated individuals,)

Plaintiffs,

vs.

LASSEN DAIRY INC. (doing business as)
“Meritage Dairy”); TULE RIVER FARMS)
INC.; TULE RIVER RANCH, INC.;)
BONANZA FARMS; and WILLIAM)
VANDER POEL, SR.,)

Defendants.

Case No.: 1:08-cv-00121-LJO-GSA

**STIPULATION AND ORDER TO AMEND
THE SECOND SCHEDULING ORDER**

1 Plaintiffs JOSE A. LOPEZ, JUAN CARLOS APOLINAR, JUAN JOSE ESTRADA
2 SOTA, JUAN JOSE CERVANTES, ISMAEL CUEVAS, REYNAR MENDOZA, AND JESUS
3 RODRIQUEZ (“Plaintiffs”), by and through their counsel of record, Stan Mallison, Esq., of
4 Mallison & Martinez; and Defendants, LASSEN DAIRY INC. (doing business as “Meritage
5 Dairy”); TULE RIVER FARMS INC; TULE RIVER RANCH, INC; BONANZA FARMS; and
6 WILLIAM VANDER POEL, SR., (sometimes collectively referred to herein as “Defendants”),
7 by and through their counsel of record, Gary N. Lento, Esq. and/or Olga A. Balderama, Esq., of
8 Baker Manock & Jensen, PC., do hereby stipulate as follows:

9 WHEREAS, on June 18, 2010, counsel for Plaintiffs and Defendants appeared
10 before Magistrate Judge Gary S. Austin for Plaintiffs’ (1) Motion to Compel Further Responses
11 to Plaintiffs’ Second Set of Requests for Production of Documents, and (2) Motion to Compel
12 Further Responses to Plaintiffs’ Third Set of Requests for Production of Documents;

13 WHEREAS, Judge Austin required the parties to spend the entire day meeting
14 and conferring, in person, in an attempt to resolve the discovery disputes referenced above, and
15 return to Court at 3:00 p.m. to inform him of the status of the discussions;

16 WHEREAS, based on the representations of parties’ counsel, Judge Austin
17 continued the hearing on both Motions to Compel to Friday, June 25, 2010, at 9:30 a.m.;

18 WHEREAS, Defendants have filed a Motion for Summary Judgment;

19 WHEREAS, pursuant to the Second Scheduling Order dated February 4, 2010,
20 Doc. No. 56, the Motion for Summary Judgment is scheduled to be heard by the Honorable
21 Lawrence O’Neill, on August 12, 2010 at 8:30 a.m.;

22 WHEREAS, the parties have agreed to withdraw plaintiffs’ current motions to
23 compel in return for the production of certain documents, information, and representations as
24 described below,

25 WHEREAS, as part of the discovery stipulation and order granted by Judge
26 Austin, the parties are required to request by this stipulation that the summary judgment motion
27 briefing schedule be altered so that the discovery agreed upon in Judge Austin’s order can be
28 produced and analyzed (including conducting mailings to class members) in time for Plaintiffs’

summary judgment opposition brief.

NOW, THEREFORE, the parties, by and through their counsel, do hereby
STIPULATE AND AGREE as follows:

1. That the Second Scheduling Order dated February 4, 2010, Doc. No. 56, be amended to allow Plaintiffs up to and including July 9, 2010 to file their Opposition to Defendants' Motion for Summary Judgment; and to allow Defendants up to and including August 7, 2010 to file their Reply.

IT IS SO STIPULATED.

Dated: June 30, 2010.

MALLISON & MARTINEZ

By ____/s/ Stan S. Mallison____

Stan S. Mallison

Attorneys for Plaintiffs JOSE A. LOPEZ,
JUAN CARLOS APOLINAR, JUAN JOSE
ESTRADA SOTA, JUAN JOSE
CERVANTES, ISMAEL CUEVAS,
REYNAR, MENDOZA, and JESUS
RODRIGUEZ

DATED: June 30, 2010.

BAKER MANOCK & JENSEN, PC

By /s/ Gary N. Lento_____

Gary N. Lento

Olga A. Balderama

Attorneys for Defendants LASSEN DAIRY
INC. (doing business as "Meritage
Dairy"), TULE RIVER FARMS INC.,
TULE RIVER RANCH, INC., BONANZA
FARMS, and WILLIAM VANDER POEL,
SR.

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ORDER

1. The Second Scheduling Order dated February 4, 2010, Doc. No. 56, is hereby amended to allow Plaintiffs up to and including July 9, 2010 to file their Opposition to Defendants' Motion for Summary Judgment; and to allow Defendants up to and including August 7, 2010 to file their Reply.

IT IS SO ORDERED.

Dated: July 2, 2010.

/s/ Lawrence J. O'Neill
HONORABLE LAWRENCE J. O'NEILL
U.S. DISTRICT JUDGE