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

21 UNITED STATES DISTRICT COURT

22 EASTERN DISTRICT OF CALIFORNIA – FRESNO DIVISION

23 JOSE A. LOPEZ, JUAN CARLOS) Case No.: 1:08-cv-00121-LJO-GSA
24 APOLINAR, JUAN JOSE ESTRADA SOTA,)
25 JUAN JOSE CERVANTES, ISMAEL)
26 CUEVAS, REYNAR MENDOZA, and JESUS)
27 RODRIGUEZ, on behalf of themselves and all) **STIPULATION AND ORDER TO AMEND**
28 other similarly situated individuals,) **THE SECOND SCHEDULING ORDER**
29)
30 Plaintiffs,)
31)
32 vs.)
33)
34 LASSEN DAIRY INC. (doing business as)
35 "Meritage Dairy"); TULE RIVER FARMS)
36 INC.; TULE RIVER RANCH, INC.;)
37 BONANZA FARMS; and WILLIAM)
38 VANDER POEL, SR.,)
39)
40 Defendants.)
41)

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’

1 summary judgment opposition brief.

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

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

8 **IT IS SO STIPULATED.**

9 Dated: June 30, 2010.

MALLISON & MARTINEZ

10 By /s/ Stan S. Mallison

11 **Stan S. Mallison**

12 Attorneys for Plaintiffs JOSE A. LOPEZ,
13 JUAN CARLOS APOLINAR, JUAN JOSE
14 ESTRADA SOTA, JUAN JOSE
15 CERVANTES, ISMAEL CUEVAS,
16 REYNAR, MENDOZA, and JESUS
17 RODRIGUEZ

18 DATED: June 30, 2010.

BAKER MANOCK & JENSEN, PC

19 By /s/ Gary N. Lento

20 **Gary N. Lento**

21 **Olga A. Balderama**

22 Attorneys for Defendants LASSEN DAIRY
23 INC. (doing business as "Meritage
24 Dairy"), TULE RIVER FARMS INC.,
25 TULE RIVER RANCH, INC., BONANZA
26 FARMS, and WILLIAM VANDER POEL,
27 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.

1

1

IT IS SO ORDERED.

Dated: July 2, 2010.

/s/ Lawrence J. O'Neill

**HONORABLE LAWRENCE J. O'NEILL
U.S. DISTRICT JUDGE**