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28 PABLO MARTINEZ, OMAR GOMEZ,  
DANIEL GOMEZ, JOSE DE JESUS  
GARCIA, on behalf of themselves  
and all other similarly situated individuals

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA-FRESNO DIVISION

OCTAVIO ALVARADO, PABLO  
MARTINEZ, OMAR GOMEZ, DANIEL  
GOMEZ, JOSE DE JESUS GARCIA, on  
behalf of themselves and all other similarly  
situated individuals

Plaintiffs,

v.

REX NEDEREND and SHERI NEDEREND  
(dba "Northstar Dairy", "Wildwood Farms"  
"Freeway Associates")

Defendants.

Case No: 1:08 CV-01099- 0WW-SMS

THIRD STIPULATION AND ORDER TO  
STAY ACTION PENDING MEDIATION

Judge: The Honorable Oliver W. Wanger

1 **JOINT STIPULATION**

2 Plaintiffs Octavio Alvarado, Pablo Martinez, Omar Gomez, Daniel Gomez and  
3 Jose de Jesus Garcia (“Plaintiffs”), and Defendants Rex and Sheri Nederend (“Defendants”), by  
4 and through their undersigned counsel, hereby stipulate and agree as follows:

5 1. On February 5, 2010, this Court granted a Second Stipulation, and ordered  
6 that this action be stayed for 90 days from the signed order for purposes of completing  
7 mediation; that Defendants shall make best efforts to produce, at least 30 days before mediation,  
8 a database in native form containing time and payroll information of putative class members; that  
9 the database shall be subject to the Protective Order in place in this case; and that the time for  
10 Plaintiffs to file an amended complaint was extended until 20 days after the stay expired. A true  
11 and correct copy of the February 5, 2010, Second Stipulation Stay Pending Mediation and Order  
12 ("Stipulation") is attached hereto as Exhibit "A".

13 2. Since the Second Stipulation, Defendants provided to Plaintiffs the payroll  
14 information pursuant to the Second Stipulation. In addition, a mediation date has been set for  
15 July 6, 2010, with Retired Judge Raul A. Ramirez, which is the earliest date that is available for  
16 Judge Ramirez and the Parties.

17 3. On January 19, 2010, Plaintiffs filed an Amended Complaint.

18 4. The Parties to the action desire to mediate the matter on July 6, 2010, and  
19 stay the action in accordance to this Third Stipulation in an effort to resolve the case.

20 5. As such, the Parties to the action will mediate the case on July 6, 2010,  
21 and agree to stay the case for 10 calendar days after the mediation date.

22 6. The time for Defendants to file an Answer to the January 19, 2010  
23 Amended Complaint is extended until 10 days after the stay expires.

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1                   7.       In addition, based upon this Third Stipulation, the date to which the Joint  
2 Scheduling Conference Statement is to be filed by the Parties on May 13, 2010, is also vacated.

3 DATED: May 11, 2010

**JONES HELSLEY PC**

4  
5 By: /s/ Michael S. Helsley  
6 MICHAEL S. HELSLEY, Attorneys for  
7 Defendants, Rex Nederend, Sheri Nederend dba  
"Northstar Dairy", "Wildwood Farms" and  
"Freeway Associates"

8 DATED: May 11, 2010

**SAMUEL & SAMUEL**

9  
10 By: /s/ Carl R. Samuel  
11 CARL R. SAMUEL, Attorneys for Defendants,  
12 Rex Nederend, Sheri Nederend dba "Northstar  
Dairy", "Wildwood Farms" and "Freeway  
Associates"

13 DATED: May 12, 2010

**MALLISON & MARTINEZ**

14  
15 By: /s/ Stan S. Mallison  
16 STAN S. MALLISON, Attorney for Plaintiffs,  
17 Octavio Alvarado, Pablo Martinez, Omar  
Gomez, Daniel Gomez, Jose de Jesus Garcia,  
on behalf of themselves and all other similarly  
situated individuals

1 PURSUANT TO STIPULATION, IT IS SO ORDERED:

2 1. This action is stayed for purposes of completing mediation.

3 2. The time for Defendants to file an Answer to the January 19, 2010,  
4 Amended Complaint is extended until 10 days after the July 6, 2010, mediation date.

5 3. In addition, the date to which the Joint Scheduling Conference Statement  
6 is to be filed by the Parties on May 13, 2010, is also vacated.

7  
8  
9 IT IS SO ORDERED.

10 Dated: May 13, 2010

/s/ Oliver W. Wanger  
11 UNITED STATES DISTRICT JUDGE