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8 Attorneys for Defendants Raw Farm, LLC fka
9 Organic Pastures Dairy Company, LLC; Mark
10 McAfee; and Non-Party Aaron McAfee

11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE EASTERN DISTRICT OF CALIFORNIA

13 UNITED STATES OF AMERICA,
14 Plaintiff,

15 v.

16 ORGANIC PASTURES DAIRY
17 COMPANY, LLC, a corporation, and
18 MARK McAFEE, an individual,
19 Defendants.

CASE NO. 1:08-CV-01786-JLT-SAB

**STIPULATION AND [PROPOSED]
ORDER TO EXTEND DATE OF
HEARING AND RELATED
DEADLINES TO FILE
ADDITIONAL BRIEFING IN
OPPOSITION TO AND REPLY IN
SUPPORT OF MOTION TO
REOPEN CASE RE: WHY RAW
FARM, LLC F/K/A ORGANIC
PASTURES DAIRY COMPANY,
LLC; MARK MCAFEE; AND
AARON MCAFEE SHOULD NOT
BE HELD IN CIVIL CONTEMPT**

HEARING DATE: July 5, 2023

TIME: 8:30 AM

PLACE: Courtroom 4, Fresno

JUDGE: Hon. Jennifer L. Thurston

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23 **STIPULATION**

24 Pursuant to Local Rule 143(a)(1), it is hereby stipulated by and between
25 Defendants Raw Farm, LLC fka Organic Pastures Dairy Company, LLC; Mark
26 McAfee; and Non-Party Aaron McAfee (collectively, “Raw Farm”) and Plaintiff
27 United States of America (“Plaintiff”) (collectively, “the Parties”) as follows:

28 1. On March 27, 2023, Plaintiff filed its Motion To Reopen Case (the

1 “Motion”) And Petition For An Order To Show Cause Why Raw Farm, LLC f/k/a
2 Organic Pastures Dairy Company, LLC; Mark McAfee; And Aaron McAfee Should
3 Not Be Held In Civil Contempt (the “Petition”).

4 2. On May 19, 2023, the Court granted Plaintiff’s Petition, and set an
5 evidentiary hearing regarding the Motion for July 5, 2023. The Court also stated that
6 it would “entertain any reasonable stipulation to permit a different briefing pattern
7 and schedule.”

8 3. Due to the evidentiary hearing falling immediately after the July 4th
9 Independence Day holiday, and with concern for delays in both travel and preparation
10 for the hearing caused by firm closures related to the holiday, as well as concern for
11 the respective pre-planned schedules of counsel and pertinent witnesses, the Parties
12 jointly agree and hereby stipulate to an extension of the hearing date to **August 9,**
13 **2023**, pursuant to Court approval, or to a date thereafter convenient to the Court.¹

14 4. With consideration for this extension, the Parties jointly agree and
15 hereby stipulate to the following filing schedule, pursuant to Court approval.
16 Specifically,

- 17 a. Raw Farm shall show cause in writing why they should not be held in
18 civil contempt on or before **July 7, 2023**. Alternatively, Raw Farm may
19 rest on their previously filed brief as their substantive response.
- 20 b. Should Raw Farm file an additional brief, Plaintiff may file a reply on
21 or before **July 17, 2023**.
- 22 c. The parties shall submit witness lists, indicating the anticipated length
23 of testimony or each witness and providing a brief proffer of their
24 anticipated testimony, on or before **July 26, 2023**.

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27 ¹ The Parties are also agreeable to the following dates: August 14, 2023 and August
28 15, 2023. Raw Farm and its witnesses are unavailable August 16, 2023 through
September 30, 2023 due to pre-planned travel and scheduling constraints.

1 5. There has been no previous extension of time requested or granted for
2 these deadlines.

3 6. This extension is not to delay this matter, but to account for the
4 availability of the Parties, their witnesses, and their counsel at the evidentiary hearing,
5 and to allow the Parties adequate time to prepare their submissions. Moreover, at the
6 strong encouragement of the Court, the Parties have also agreed to further pursue
7 settlement of this matter in advance of the above-referenced hearing.² The Parties
8 agree that the additional time requested will permit fruitful and productive settlement
9 discussions.

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11 Date: June 2, 2023

STRUCTURE LAW GROUP, LLP

12
13 By: /s/Robin B. Ratner

Robin B. Ratner, Esq.

14 Attorneys for Defendants Raw Farm,
15 LLC fka Organic Pastures Dairy
16 Company, LLC; Mark McAfee; and
17 Non-Party Aaron McAfee

18 Date: June 2, 2023

U.S. DEPARTMENT OF JUSTICE

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20 By: /s/Roger J. Gural

Roger J. Gural, Esq.

21 Attorney for Plaintiff

United States of America

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28 ² At this time, the Parties do not expect to request the assistance of a magistrate judge.

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[PROPOSED] ORDER

The stipulation of the parties is approved.

IT IS SO ORDERED.

Dated: Jennifer L. Thurston
UNITED STATES DISTRICT JUDGE