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**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

FRANCISCO QUINONEZ, et al.,  
  
Plaintiffs,  
  
v.  
  
DIRECT DAIRY TRANSPORT, LLC,  
et al.,  
  
Defendants.

CASE NO. CV-F-08-1984 LJO SMS  
  
**ORDER TO DISMISS CLASS  
ALLEGATIONS IN THE SECOND, FOURTH  
AND SIXTH CLAIMS**

This Court issued an Order to Show Cause on January 21, 2010 for plaintiffs’ failure to timely file their motion for class certification pursuant to Rule 23. (Doc. 18.) The Court warned that it intended to dismiss the Rule 23 allegations for the Second, Fourth and Sixth causes of action for failure to file the motion. Plaintiffs responded to the Order to Show Cause on January 22, 2010. In plaintiffs’ response, plaintiffs stipulated to the dismissal of the Rule 23 allegations in the Second, Fourth and Sixth causes of action. Accordingly, the Rule 23 allegations in the Second, Fourth and Sixth causes of action are DISMISSED.

IT IS SO ORDERED.

**Dated: January 25, 2010**

**/s/ Lawrence J. O’Neill**  
UNITED STATES DISTRICT JUDGE