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UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

JUAN MANUEL GARCIA-BARAJAS, Plaintiff, v. NESTLÉ PURINA PETCARE COMPANY, a corporation, and DOES 1 through 50 inclusive, Defendants.	Case No. 1:09-CV-00025-OWW-DLB [*Honorable Judge Oliver W. Wanger*] **ORDER GRANTING THE STIPULATION PERMITTING PLAINTIFF TO FILE A FIRST AMENDED COMPLAINT [FRCP 15(a)(2)]**

Mandatory
Scheduling Conference: April 9, 2009

Pursuant to Federal Rule of Civil Procedure Rule 15(a)(2), Plaintiff, JUAN MANUEL-GARCIA BARAJAS, by and through his attorneys of record, Melanie T. Partow, Esq., of the law firm Helmer • Friedman, LLP, and Defendant, NESTLÉ PURINA PETCARE COMPANY, by and through its attorneys of record, David B. Simpson, Esq., of the law firm Wolflick & Simpson, hereby stipulate to and request the Court's approval of the following:

WHEREAS On March 19, 2009, Defense Counsel notified counsel for Plaintiff of an issue regarding Plaintiff's filed Complaint for Damages;

WHEREAS immediately thereafter, counsel for Plaintiff: provided Defendant with the two missing pages of the filed Complaint; filed a Notice of Errata and the Declaration of Melanie T. Partow with this Court explaining the nature of the error; and lodged the missing pages with this Court;

WHEREAS Plaintiff contends he intended to file the two missing pages, that they were inadvertently omitted, and believes these pages were lost during the transmission of the Complaint to the Kern County Superior Court via the fax-filing process;

WHEREAS Plaintiff wishes to correct this error by filing the First Amended Complaint attached hereto;

WHEREAS Defendant consents to Plaintiff's filing of the attached First Amended Complaint;

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The parties therefore agree that, upon approval of this Stipulation by the Court and pursuant to FRCP 15(a)(2), Plaintiff may file the First Amended Complaint attached hereto and that Defendant shall have 10 days after Plaintiff's subsequent service of the First Amended Complaint to file and serve its response thereto.

IT IS SO ORDERED.

Dated: April 8, 2009

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE