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13 [Additional Counsel listed on signature page]

14 **UNITED STATES DISTRICT COURT**
15 **EASTERN DISTRICT OF CALIFORNIA**
16 **FRESNO DIVISION**

17 GERALD CARLIN, JOHN RAHM, PAUL
18 ROZWADOWSKI and BRYAN WOLFE,
19 individually and on behalf of themselves
20 and all others similarly situated,

21 Plaintiffs,

22 v.

23 DAIRYAMERICA, INC. and
24 CALIFORNIA DAIRIES, INC.,

25 Defendants.

Case No. 1:09-cv-00430-AWI-GSA

CLASS ACTION

**STIPULATION AND ORDER FOR
SUBSTITUTION OF PARTY**

(Doc. 115)

Ctrm: 2, 8th

Judge: Hon. Anthony W. Ishii

1 The parties, by and through their respective counsel of record and subject to Court
2 approval, recite and stipulate to substitute Diana Wolfe as a party and proposed class
3 representative to this action in place of deceased plaintiff, Bryan Wolfe.

4 **RECITALS**

5 WHEREAS plaintiff Bryan Wolfe was a plaintiff and proposed class representative
6 named in the Complaint and in the operative Amended Class Action Complaint, filed in this
7 action on March 6, 2009 (ECF No. 1) and April 3, 2009 (ECF No. 8), respectively;

8 WHEREAS Mr. Wolfe died on August 7, 2012 during the pendency of this action;

9 WHEREAS Mr. Wolfe's death did not extinguish his claims in this action;

10 WHEREAS Diana Wolfe is Mr. Wolfe's widow;

11 WHEREAS Diana Wolfe is Mr. Wolfe's successor and representative of his estate;

12 WHEREAS plaintiffs have filed a Statement Noting Death of Plaintiff Bryan Wolfe
13 concurrently herewith;

14 **STIPULATION**

15 Therefore, IT IS HEREBY STIPULATED AND AGREED, by the parties and by
16 Ms. Wolfe, through their respective counsel of record, as follows:

- 17 1. Bryan Wolfe is no longer a party to this action by reason of death.
18 2. Diana Wolfe is substituted as a party and proposed class representative to this
19 action in place of Bryan Wolfe.

20 Respectfully submitted,

21 DATED: March 8, 2013

BERMAN DeVALERIO

22 By: /s/ Anthony D. Phillips
23 Anthony D. Phillips

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*Counsel for Plaintiffs and the Proposed Class and
for Proposed Substitute Party, [] Wolfe.*

Dated: March 8, 2013

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OBER, KALER, GRIMES & SHRIVER

By: /s/ Wendy M. Yoviene (as authorized on 3/8/13)
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Counsel for Defendant DairyAmerica, Inc.

Dated: March 8, 2013

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ORDER

IT IS HEREBY ORDERED that:

Pursuant to the parties' stipulation filed on March 8, 2013 (Doc. 115), Plaintiff-decedent Bryan Wolfe is no longer a party to this action and Diana Wolfe shall be substituted as a party to this action in place of Bryan Wolfe.

IT IS SO ORDERED.

Dated: March 19, 2013

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE