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9
10 **UNITED STATES DISTRICT COURT**

11 **EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION**

12
13 GERALD CARLIN, JOHN RAHM, PAUL
14 ROZWADOWSKI and BRYAN WOLFE,
individually and on behalf of themselves
15 and all others similarly situated,

16 Plaintiffs,

17 v.

18 DAIRYAMERICA, INC. and
CALIFORNIA DAIRIES, INC.,

19 Defendants.
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Case No. 1:09 CV 00430-AWI (GSA)

**STIPULATION AND ORDER
EXTENDING TIME TO FILE A JOINT
PROTOCOL GOVERNING THE
TREATMENT OF ELECTRONICALLY-
STORED INFORMATION**

CLASS ACTION

1 Plaintiffs and defendant DairyAmerica, Inc. (“DairyAmerica” and, collectively with
2 plaintiffs, the “parties”), by and through their respective counsel of record and subject to Court
3 approval, recite and stipulate as follows with respect to the due date to file a joint protocol
4 governing the treatment of electronically-stored information (“ESI Protocol”).

5 **RECITALS**

6 WHEREAS the Court conducted a Scheduling Conference on March 18, 2013;

7 WHEREAS, in accordance with the parties’ agreement and the Court’s instruction at the
8 March 18, 2013 Scheduling Conference, the Court entered a Stipulation and Order Regarding
9 Merits Discovery on April 3, 2013 in which the parties agreed to file the ESI Protocol by
10 May 17, 2013;

11 WHEREAS the parties continue to confer regarding the ESI Protocol and have agreed
12 that additional time is required to finalize the form and terms of the ESI Protocol;

13 WHEREAS no other extension of time has previously been sought or obtained by the
14 parties as to the filing of the ESI Protocol.

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STIPULATION

Therefore, IT IS HEREBY STIPULATED AND AGREED, by the parties through their respective counsel of record, as follows:

1. The parties shall file the ESI Protocol by no later than May 31, 2013.

DATED: May 15, 2013

Respectfully submitted,

BERMAN DeVALERIO

By: /s/ Anthony D. Phillips
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Counsel for Plaintiffs and the Proposed Class

Dated: May 15, 2013

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ORDER

Pursuant to the above stipulation, the parties shall file the ESI Protocol no later than
May 31, 2013.

IT IS SO ORDERED.

Dated: May 17, 2013

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE