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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION**

GERALD CARLIN, JOHN RAHM, PAUL
ROZWADOWSKI and DIANA WOLFE,
individually and on behalf of themselves and
all others similarly situated,

Plaintiffs,

v.

DAIRYAMERICA, INC. and
CALIFORNIA DAIRIES, INC.,

Defendants.

Case No. 1:09 CV 00430-AWI GSA

CLASS ACTION

**SECOND STIPULATION TO AMEND
THE SCHEDULING ORDER; ORDER
THEREON**

Effective this 22nd day of May 2015, the parties recite and stipulate as follows:

RECITALS

WHEREAS, on April 6, 2015, the Honorable Magistrate Judge Gary S. Austin approved the parties' joint scheduling statement [#208], and adopted the dates set forth in the joint scheduling statement with modifications by ordering class certification discovery (including the filing of any motions to compel) to be completed by July 20, 2015 and setting October 5, 2015 as the last day for Plaintiffs to file their motion for class certification, with Defendant to file its opposition no later than December 18, 2015, with Plaintiffs to file any reply brief no later than

January 11, 2016, and with a hearing on Plaintiffs' motion for class certification to be heard on February 26, 2015.

WHEREAS, class certification discovery is presently scheduled to be completed by July 20, 2015, but issues involved the scheduling of depositions have arisen and caused delays that necessitate the parties seeking a brief additional three (3) week extension to complete class certification discovery.

WHEREAS, subject to Court approval, the parties have agreed to extend the deadline for the close of class certification discovery to August 14, 2015. This extension on the completion of class certification discovery does not impact any of the other scheduled class certification dates ordered by Judge Austin on April 6, 2015.

WHEREAS, this is the second stipulation seeking a modification to the class certification schedule.

STIPULATION

Now, therefore, the parties hereto do jointly stipulate as follows:

1. Subject to court approval, the currently scheduled date of July 20, 2015 for the completion of class certification discovery in the above-captioned matter is modified and extended, such that the new date to complete class certification discovery is August 14, 2015
2. Nothing in this Stipulation is intended to alter any of the other scheduled dates in this case.

DATED: May 22, 2015

Respectfully submitted,

BERMAN DeVALERIO

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Dated: May 22, 2015

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Counsel for Defendant DairyAmerica, Inc.

IT IS SO ORDERED.

Dated: May 26, 2015

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE