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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**

**STIPULATION AND ORDER FOR  
 AMENDING SCHEDULING ORDER**

Judge: Hon. Magistrate Judge Gary S. Austin  
 Action Filed: March 6, 2009

1 WHEREAS, on April 6, 2015, the Honorable Magistrate Judge Gary S. Austin approved  
2 the parties' joint scheduling statement [#208], and adopted the dates set forth in the joint  
3 scheduling statement with modifications by ordering class certification discovery (including the  
4 filing of any motions to compel) to be completed by July 20, 2015; and setting October 5, 2015 as  
5 the last day for Plaintiffs to file their motion for class certification, with Defendant to file its  
6 opposition by December 18, 2015, with Plaintiffs to file any reply brief by January 11, 2016, and  
7 with a hearing on Plaintiffs' motion for class certification to be heard on February 26, 2015;

8 WHEREAS the Court approved the parties' stipulation to extend the deadline for the close  
9 of class certification discovery to August 14, 2015 [#212];

10 WHEREAS, while the parties have completed a substantial amount of class and merits  
11 discovery, including approximately 20 depositions, serious personal issues of one of Plaintiff's  
12 lead attorneys has arisen and caused delays in fully completing class discovery;

13 WHEREAS the parties estimate that an additional eight weeks will allow them to  
14 complete class certification discovery and agree that the existing schedule should be modified  
15 accordingly;

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

- 17 1. Subject to Court approval, the case schedule shall now be as follows:
- 18 • October 14, 2015: close of class certification discovery
  - 19 • December 7, 2015: Last day for Plaintiffs to file motion for class  
20 certification (and any accompanying expert disclosures, reliance materials,  
21 and data sets)
  - 22 • February 26, 2016: Last day for Defendants to file opposition to Plaintiffs'  
23 motion for class certification
  - 24 • March 21, 2016: Last day for Plaintiffs to file reply brief in support of  
25 motion for class certification
  - 26 • To be supplied by Court: Hearing on motion for class certification
- 27  
28

1 DATED: August 6, 2015

Respectfully submitted,

2 **DAVIS WRIGHT TREMAINE LLP**

3 By: /s/Allison A. Davis

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**ORDER**

Based on the foregoing stipulation of the parties and good cause appearing, the Court extends pre-certification scheduling dates as follows:

	<b>PREVIOUS DATE</b>	<b>NEW DATE</b>
<b>Discovery cutoff (class certification)</b>	August 14, 2015	November 13, 2015
<b>Plaintiff's motion for class certification due</b>	October 5, 2015	January 8, 2016
<b>Defendant's opposition to motion for class certification due</b>	December 18, 2015	March 21 2016
<b>Plaintiff's reply brief due</b>	January 11, 2016	April 18, 2016
<b>Class certification hearing</b>	February 26, 2016 Time: 9:30 a.m. Dept.: 10	May 27, 2016 Time: 9:30 a.m. Dept.: 10

IT IS SO ORDERED.

Dated: August 6, 2015

/s/ Gary S. Austin  
UNITED STATES MAGISTRATE JUDGE