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9 **UNITED STATES DISTRICT COURT**  
10 **EASTERN DISTRICT OF CALIFORNIA**  
11 **FRESNO DIVISION**

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

15 Plaintiffs,

16 v.

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

Defendants.

Case No. 1:09 CV 00430-AWI EPG

**CLASS ACTION**

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

1 Effective this 6th day of October 2015, the parties recite and stipulate as follows:

2 **RECITALS**

3 WHEREAS, on August 6, 2015, based on a stipulation entered into by the parties, the  
4 Honorable Magistrate Judge Gary S. Austin extended the pre-certification schedule [#219] and  
5 ordered class certification discovery (including the filing of any motions to compel) to be  
6 completed by November 13, 2015 and Plaintiffs' motion for class certification to be filed by  
7 January 8, 2016, with Defendant to file its opposition no later than March 21, 2016, with  
8 Plaintiffs to file any reply brief no later than April 18, 2016, and with a hearing on Plaintiffs'  
9 motion for class certification to be heard on May 27, 2016;

10 WHEREAS, on September 25, 2015, the Plaintiffs filed a motion for leave to amend the  
11 complaint to add causes of action and defendant parties;

12 WHEREAS, the parties have agreed to extend the briefing schedule regarding Plaintiffs'  
13 motion for leave to amend the complaint, and also to extend the page limits for the opposition  
14 and reply briefs in response to that motion;

15 WHEREAS, in light of Plaintiffs' motion for leave to amend the complaint and the  
16 associated briefing schedule, the parties have agreed to extend the deadline for the close of class  
17 certification discovery and the filing of the motion for class certification;

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

19 1. Subject to court approval, the briefing schedule regarding Plaintiffs' motion for  
20 leave to amend the complaint should now be as follows:

- 21 • October 23, 2015: Last day for Defendants to file opposition to Plaintiffs'  
22 motion for leave to amend the complaint.
- 23 • November 6, 2015: Last day for Plaintiffs to file reply brief in support of  
24 their motion for leave to amend the complaint.
- 25 • November 16, 2015, at 1:30 PM, Courtroom 2: Hearing on motion for  
26 leave to amend the complaint.

1           2.       Subject to court approval, the page limits for the briefs in response to Plaintiffs’  
2 motion for leave to amend the complaint, should now be as follows:

- 3           •       Opposition Brief: The opposition brief may be up to, but will not exceed,  
4                   35 pages in length.
- 5           •       Reply Brief: The reply brief may be up to, but will not exceed, 20 pages in  
6                   length.

7           3.       Subject to court approval, the pre-certification case schedule should now be as  
8 follows:

- 9           •       December 14, 2015: close of class certification discovery.
- 10          •       February 9, 2016: Last day for Plaintiffs to file motion for class  
11                   certification (and any accompanying expert disclosures, reliance materials,  
12                   and data sets).
- 13          •       April 22, 2016: Last day for Defendants to file opposition to Plaintiffs’  
14                   motion for class certification.
- 15          •       May 20, 2016: Last day for Plaintiffs to file reply brief in support of  
16                   motion for class certification.
- 17          •       July 8, 2016, at 10:00 AM, Courtroom 10: Hearing on motion for class  
18                   certification.

19 DATED: October 6, 2015

Respectfully submitted,

**BERMAN DeVALERIO**

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Dated: October 6, 2015

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*Counsel for Defendant DairyAmerica, Inc.*

**ORDER**

IT IS SO ORDERED.

Dated: October 21, 2015

  
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SENIOR DISTRICT JUDGE