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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.,

18 Defendant.

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

**CLASS ACTION**

**STIPULATION AND ORDER RE  
STAYING DISCOVERY AND CLASS  
CERTIFICATION DISCOVERY  
DEADLINE**

1 On this 9th day of November 2015, the parties having so stipulated;

2 WHEREAS, the current Scheduling Order provides that class certification-related  
3 discovery shall be completed by December 14, 2014;

4 WHEREAS, on September 25, 2015, Plaintiffs filed leave to amend the complaint to add  
5 new parties and claims, which motion was opposed;

6 WHEREAS, Plaintiffs' motion has not yet been ruled upon;

7 WHEREAS, the substance, timing and participants in various currently-noticed  
8 upcoming depositions may vary depending upon the resolution of the pending motion and  
9 proceeding with those depositions before resolution of the pending motion may cause confusion  
10 and potentially the need for witnesses to be re-deposed; and

11 WHEREAS, the parties, having met and conferred, believe the case would be best served  
12 with a stay of all discovery and the class certification discovery deadline pending a ruling on  
13 Plaintiffs' Motion For Leave To Amend Complaint (ECF No. 220);

14 IT IS STIPULATED as follows:

15 **1. Class Certification Discovery Cut-Off and Briefing Deadlines.**

16 (a) The deadline for class certification discovery (and associated deadlines for  
17 briefing class certification) shall be stayed until entry of an Order on Plaintiffs' Motion For  
18 Leave To Amend Complaint (ECF No. 220).

19 (b) Within fourteen days of entry of such Order, the parties shall submit to the Court  
20 a Status Report and a Proposed Amended Scheduling Order.

21 **2. Discovery Pending the Order on Plaintiffs' Motion For Leave to Amend**  
22 **Complaint.**

23 In the interest of judicial economy and efficiency, all discovery (including depositions  
24 of entities that plaintiffs' have proposed be added as parties) in the case will be stayed until the  
25 Court enters an Order on Plaintiffs' Motion for Leave to Amend Complaint. The parties may  
26 continue to meet and confer on existing pending discovery.

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1 DATED: November 9, 2015

Respectfully submitted,

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**BERMAN DeVALERIO**

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By: /s/ A. Chowning Poppler  
A. Chowning Poppler (SBN 272870)

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Dated: November 9, 2015

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*Counsel for Defendant DairyAmerica, Inc.*

IT IS SO ORDERED.

Dated: November 12, 2015

  
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SENIOR DISTRICT JUDGE