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9 CALIFORNIA DAIRIES, INC.

10 **UNITED STATES DISTRICT COURT**
11 **EASTERN DISTRICT OF CALIFORNIA**

12 GERALD CARLIN, JOHN RAHM, PAUL
13 ROZWADOWSKI and DIANA WOLFE,
individually and all others similarly situated,

14 Plaintiffs,

15 v.

16 DAIRY AMERICA, INC., and CALIFORNIA
17 DAIRIES, INC.,

18 Defendants.

CASE NO. 1:09 CV 00430-AWI

**STIPULATION AND ORDER TO
EXTEND TIME TO RESPOND TO
THIRD AMENDED COMPLAINT**

19 Action Filed: March 6, 2009
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1 Pursuant to Rule 6-143 of the General Local Rules of the above titled Court, Plaintiffs,
2 individually and on behalf of themselves and all others similarly situated (“Plaintiffs”), and
3 Defendants DairyAmerica, Inc. (“DairyAmerica”) and California Dairies, Inc. (“California
4 Dairies”) (collectively, “Defendants”), by and through their respective attorneys of record,
5 (collectively, the “Parties”) hereby stipulate to the following:

6 **RECITALS**

7 Whereas Plaintiffs filed a Third Amended Complaint on February 10, 2016;

8 Whereas Defendants filed concurrent Motions to Dismiss Plaintiffs’ Third Amended
9 Complaint, pursuant to Fed. R. Civ. P. 12(b)(6), on March 30, 2016;

10 Whereas the Court filed its Order granting in part and denying in part Defendants’ Motions
11 to Dismiss on May 2, 2016;

12 Whereas Defendants filed concurrent Motions for Reconsideration of the Order on
13 Defendants’ Motions to Dismiss on May 16, 2016;

14 Whereas the Court filed an Order denying Defendants’ Motions for Reconsideration on
15 June 23, 2016;

16 Whereas, following the Court’s Order denying Defendants’ Motions for Reconsideration,
17 the deadline for Defendants to each respond to the Third Amended Complaint was July 7, 2016;

18 Whereas, given the intervening national holiday and the complexity and length of
19 Plaintiffs’ Third Amended Complaint, Defendants sought an extension of time to respond thereto;

20 Whereas, Plaintiffs have agreed to provide Defendants with an extension to the deadline to
21 respond to the Third Amended Complaint.

22 **STIPULATION**

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

25 1. The deadline for Defendants to respond to the Third Amended Complaint shall be
26 extended by 11 days, up to and including July 18, 2016;

27 2. This stipulation will not alter the date of any event or any deadline already fixed by
28 Court order.

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IT IS SO STIPULATED.

DATED: July 7, 2016

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Counsel for Plaintiffs and the Proposed Class

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1 Dated: July 7, 2016

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ORDER

The Court adopts the Parties' stipulation as follows:

1. The deadline for Defendants to each respond to the Third Amended Complaint shall be extended by 11 days, up to and including July 18, 2016;

2. This stipulation will not alter the date of any event or any deadline already fixed by Court order.

IT IS SO ORDERED.

Dated: July 7, 2016



SENIOR DISTRICT JUDGE