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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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-EPG

**ORDER GRANTING IN PART AND
DENYING IN PART MOTION FOR
MODIFICATION OF MINUTE ENTRY**

(Doc. 362)

A settlement conference was held in this case October 3, 2016. (ECF No. 359.)
Immediately following the conclusion of the settlement conference, the Court entered the
following minute entries:

MINUTES (Text Only) for proceedings before Magistrate Judge Erica P. Grosjean: SETTLEMENT CONFERENCE held on 10/3/2016; CASE NOT SETTLED. Plaintiffs' Counsel Benjamin Brown, George Farah, Cari Laufenberg, Aidan Chowming Poppler, and Mark Griffin present. Counsel for defendant DairyAmerica, Inc., Charles English, Allison Davis, and Sanjay Nangia present and also present on behalf of DairyAmerica, Inc., were Messrs. Huffman and Murfield. Counsel for defendant California Dairies, Inc., Lawrence Cirelli, Megan Oliver Thompson, and David Tartaglio present and also present on behalf of California Dairies, Inc., were Messrs. Krajec, Smith, Erba, Moon, and Schoenveld.

(ECF No. 359.)

MINUTE ORDER: (TEXT ENTRY ONLY) The settlement conference held on October 3, 2016, was concluded by the Court after discussions with California Dairies, Inc. indicating that the settlement conference was premature with regards

1 to California Dairies because that defendant was not prepared to settle the case
2 today on any reasonable terms. The other parties, Plaintiffs and DairyAmerica,
3 Inc., have leave of the Court to request that California Dairies reimburse the costs
they incurred to prepare for and attend the settlement conference by filing a
request with the Court no later than October 11, 2016.

4 (ECF No. 360.)

5 On October 11, 2016, California Dairies, Inc. filed the instant motion requesting
6 modification of the minutes at ECF No. 359 in order to “accurately reflect the attorneys and
7 individuals who appeared on behalf of California Dairies, as stated during appearances taken by
8 the Court at the beginning of the settlement conference.” (ECF No. 362-1 at 2.) Second,
9 California Dairies requests that the Court correct and clarify the minute order at ECF No. 360 in
10 order to “accurately reflect which party in attendance made the statements referenced therein.”

11 (*Id.*)

12 A hearing was held on November 18, 2016, wherein the motion to modify the minute
13 entry was discussed. (ECF No. 369.) For the reasons disclosed on the record at the November 18
14 hearing, Defendant California Dairies’ motion (ECF No. 362) is granted in part and denied in
15 part. The minutes (ECF No. 359) shall be amended and modified as follows:

16 MINUTES (Text Only) for proceedings before Magistrate Judge Erica P.
17 Grosjean: SETTLEMENT CONFERENCE held on 10/3/2016; CASE NOT
18 SETTLED. Plaintiffs' Counsel Benjamin Brown, George Farah, Cari Laufenberg,
19 Aidan Chowming Poppler, and Mark Griffin present. Counsel for defendant
DairyAmerica, Inc., Charles English, Allison Davis, and Sanjay Nangia present
and also present on behalf of DairyAmerica, Inc., were Messrs. Huffman and
20 Murfield. ~~Counsel for defendant California Dairies, Inc., Lawrence Cirelli, Megan
Oliver Thompson, and David Tartaglio present and also present on behalf of
California Dairies, Inc., were Messrs. Krajec, Smith, Erba, Moon, and
21 Schoenveld.~~ California Dairies was represented at the settlement conference by its
22 counsel, Lawrence Cirelli and Megan Oliver Thompson. In addition, the
following individuals attended for California Dairies: Dr. Eric Erba, Senior Vice
23 President and Chief Strategy Officer; John Moons, Chairman of the Board of
Directors and dairy farmer member of California Dairies; and BJ Schoneveld,
24 member of the Board of Directors and dairy farmer member of California Dairies.
Attorney David Tartaglio appeared only on behalf of his client, RSUI Indemnity
25 Company (“RSUI”), which is one of California Dairies’ insurers. Mr. Krajec is a
26 representative of RSUI, and Mr. Smith is counsel for RLI, which is also one of
California Dairies’ insurers.

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Additionally, the minute order (ECF No. 360) shall be amended and modified as follows:

MINUTE ORDER: (TEXT ENTRY ONLY) The settlement conference held on October 3, 2016, was concluded by the Court after discussions with California Dairies, Inc. ~~indicating that the settlement conference was premature with regards to California Dairies because that defendant was not prepared to settle the case today on any reasonable terms.~~ The other parties, Plaintiffs and DairyAmerica, Inc., have leave of the Court to request that California Dairies reimburse the costs they incurred to prepare for and attend the settlement conference by filing a request with the Court no later than October 11, 2016.

IT IS SO ORDERED.

Dated: December 5, 2016

/s/ Eric P. Grogan
UNITED STATES MAGISTRATE JUDGE