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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.,

19 Defendants.

Case No. 1:09-CV-0430-AWI (EPG)

CLASS ACTION

**STIPULATION AND [PROPOSED]
ORDER RE BRIEFING SCHEDULE FOR
MOTION FOR LEAVE TO FILE
FOURTH AMENDED CONSOLIDATED
CLASS ACTION COMPLAINT, and
ORDER VACATING MARCH 13, 2017
HEARING DATE**

1 On this 27th day of February 2017, the parties recite and stipulate as follows:

2 WHEREAS, on February 9, 2017, Plaintiffs filed a motion for leave to amend the
3 complaint which seeks to add a California class and defendant parties, among other things;

4 WHEREAS, the current briefing schedule provides that (1) Defendants' opposition to
5 Plaintiffs' Motion for Leave to file Fourth Amended Consolidated Class Action Complaint is due
6 on February 27, 2017; (2) Plaintiffs' reply in support of the motion is due on March 6, 2013; and
7 (3) the hearing is set for March 13, 2017, at 1:30 p.m.;

8 WHEREAS, the parties have met and conferred and agreed to extend the briefing
9 schedule to allow adequate time for the parties to prepare responses;

10 IT IS STIPULATED, subject to court approval, the briefing schedule regarding Plaintiffs'
11 motion for leave to amend the complaint should be revised to reflect the following dates:

- 12 • March 17, 2017: Last date for Defendants to file opposition to Plaintiffs' motion
13 for leave to amend the complaint.
- 14 • April 14, 2017: Last date for Plaintiffs to file reply in support of their motion for
15 leave to amend the complaint.
- 16 • April 24, 2017 at 1:30 p.m., Courtroom 2: Hearing on motion for leave to amend
17 the complaint.

18 DATED: February 27, 2017

Respectfully submitted,

19 **BERMAN DeVALERIO**

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1 Dated: February 27, 2017

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The Court will give effect to the parties' stipulation.

Accordingly, IT IS HEREBY ORDERED that:

1. The March 13, 2017 hearing date on Plaintiffs' motion to amend is VACATED;
2. No later than March 17, 2017, Defendants shall file an opposition or notice of non-opposition to Plaintiffs' motion to amend;
3. No later than April 14, 2017, Plaintiffs shall file a reply to Defendants' opposition; and
4. The hearing on Plaintiffs' motion to amend is RESET to April 24, 2017, at 1:30 p.m. in Courtroom No. 2.

IT IS SO ORDERED.

Dated: March 1, 2017



SENIOR DISTRICT JUDGE