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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**

**STIPULATION AND ORDER TO  
FURTHER MODIFY SCHEDULING  
ORDER (ECF No. 547)**

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1 Pursuant to the parties' agreement, the parties hereby stipulate, and seek the Court's  
2 approval to modify the current scheduling order in two limited respects, as follows:

3 WHEREAS, as previously advised, the parties engaged in a further mediation with  
4 Robert A. Meyer at JAMS on February 5, 2018;

5 WHEREAS, the parties continue to diligently and in good faith discuss a potential  
6 settlement of this case;

7 WHEREAS, on February 27, 2018, the Court approved the parties' request to stay the  
8 litigation for 45 days and modify the scheduling order in order to allow them to fully focus their  
9 efforts on the potential settlement of this case and avoid the substantial expense of potentially  
10 unnecessary discovery and motion practice (ECF No. 547);

11 WHEREAS, Plaintiffs have since made a settlement demand to Defendants, and the  
12 parties have agreed, pursuant to Mr. Meyer's advice and suggestion, to set April 24, 2018 as the  
13 deadline for Defendants to respond to that demand so as to provide sufficient time for the two  
14 Defendants, their respective Boards of Directors, and the implicated insurers and their counsel, to  
15 conduct the necessary reviews and approval processes, if and as needed, in order to fully respond  
16 to the demand;

17 WHEREAS, the parties have agreed, and request the Court's approval, to modify the case  
18 schedule solely to extend the interim April 12, 2018 deadlines for 1) completion of document  
19 productions; and 2) DairyAmerica to file a Request for Reconsideration by the District Court of  
20 the Magistrate Judge's Ruling Granting Plaintiffs' Motion to Compel. Those two deadlines  
21 would be extended to May 1, 2018 (ECF No. 542). The parties are sensitive to the Court's  
22 previous instruction that it was not inclined to move the schedule in this case and therefore wish  
23 to emphasize that all of the other existing deadlines in the case would remain unchanged;

24 WHEREAS, as a further showing of good faith and diligence, the parties agree, in the  
25 event that the case does not settle, to schedule 8 – 10 depositions in the month of May, 2018;

26 WHEREAS, the parties believe and agree that the interests of efficiency, economy, and  
27 expediency would be best served by modifying the case schedule in two limited respects, as  
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1 requested herein;

2 NOW, THEREFORE, THE PARTIES STIPULATE AS FOLLOWS:

3 1. The deadline for the parties to complete document productions shall be extended  
4 to May 1, 2018.

5 2. The deadline for DairyAmerica to file a Request for Reconsideration by the  
6 District Court of the Magistrate Judge's Ruling Granting Plaintiffs' Motion to Compel shall be  
7 extended to May 1, 2018.

8 DATED: April 9, 2018

Respectfully submitted,

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**BERMAN TABACCO**

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

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Dated: April 9, 2018

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Dated: April 9, 2018

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**ORDER**

Pursuant to the parties' stipulation, it is hereby ORDERED that:

1. The deadline for the parties to complete document productions shall be extended to May 1, 2018.

2. The deadline for DairyAmerica to file a Request for Reconsideration by the District Court of the Magistrate Judge's Ruling Granting Plaintiffs' Motion to Compel shall be extended to May 1, 2018.

IT IS SO ORDERED.

Dated: April 10, 2018

/s/ Eric P. Grogan  
UNITED STATES MAGISTRATE JUDGE