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

11 **GERALD CARLIN, JOHN RAHM, PAUL**  
12 **ROZWADOWSKI and DIANA WOLFE,**  
13 **individually and on behalf of themselves**  
14 **and all other similarly situated,**

15 **Plaintiffs,**

16 **v.**

17 **DAIRYAMERICA, INC., and**  
18 **CALIFORNIA DAIRIES, INC.**

19 **Defendants**

**CASE NO. 1:09-CV-0430 AWI-EPG**

**ORDER GRANTING UNOPPOSED**  
**MOTION TO EXTEND DEADLINES**  
**FOR CLASS NOTICE AND FINAL**  
**APPROVAL OF SETTLEMENT**

(Doc. No. 563)

19 The parties in this case have entered into a settlement agreement. Plaintiffs proposed a  
20 comprehensive notice program that provides: (1) direct mailed notice of the settlement to Settlement  
21 Class Members and (2) publication notice in two widely-circulated magazines directed to farmers  
22 and on a website. Doc. No. 555 at 7, 19-20. To provide direct mailed notice, Plaintiffs proposed  
23 collaborating with each of the ten Federal Milk Marketing Orders (“FMMOs”) to obtain the contact  
24 and production information for tens of thousands of Settlement Class Members. *Id.* Once that data  
25 was obtained, Plaintiffs proposed that the claims administrator, Rust Consulting, would process the  
26 data and distribute individualized notices of the settlement directly to Settlement Class Members. *Id.*  
27 The proposed deadline for distributing direct-mailed notice was 60 days from the date of  
28 preliminary approval. The Court preliminarily approved this proposed notice plan on September

1 14, 2018, thus setting the deadline for mailing at November 13, 2018. Doc. No. 559 at 17.

2 Plaintiffs have now petitioned for an extension of deadlines, which Defendants have not  
3 opposed. Doc. No. 563. Plaintiffs state:

4 [T]he process undertaken by FMMOs to collect the requisite data regarding  
5 Settlement Class Members has been more time-consuming than the agencies  
6 anticipated. The FMMOs had expected to complete the production of data by  
7 October 19, 2018, but instead the production was not completed until October 30,  
8 2018. For that reason, Rust Consulting is now unable to process the data and  
9 prepare the mailings by the November 13, 2018 deadline. Due to the  
10 unanticipated delay in FMMOs collecting and providing the data, Plaintiffs  
11 respectfully request that the Court extend—by two weeks—the deadlines  
12 associated with distributing notice and moving for final approval of the  
13 settlement. This extension would provide Rust Consulting sufficient time to  
14 process the data and prepare the individual mailings.

15 *Id.* at 2. Plaintiffs thus proposed the following modified schedule, which the Court finds  
16 acceptable:

17 Deadline for all notices to be mailed, published, and posted on the internet	November 13, 2018	November 27, 2018
18 Motion for attorneys' fees, costs, and service awards due by	December 14, 2018	December 28, 2018
19 Class Members' objections, exclusions, and submission of all claim forms due by	January 14, 2019	January 28, 2019
20 Administrator to file affidavit certifying compliance with notice requirements by	February 4, 2019	February 19, 2019
21 Parties to file motion for final approval, and to respond to any objections from class members, by	February 4, 2019	February 19, 2019
22 Final approval hearing ("Fairness Hearing")	March 4, 2019, 1:30 p.m.	March 18, 2019, 1:30 p.m.
23 Effective Date	Reserved for decision in Order regarding Final Approval Hearing	Same
24 Defendants to wire second half of the Total Settlement Amount by	As per § 7.1 of the Settlement Agreement	Same

25  
26 **ORDER**

27 Based on the foregoing, IT IS HEREBY ORDERED that:

- 28 1. The deadline for mailing the Long Notice and the Claim Form to Settlement Class

1 Members is extended from November 13, 2018 to November 27, 2018;

2 2. The deadline for publishing Summary Notice, on one occasion in Progressive Dairymen  
3 and American Dairymen, is extended from November 13, 2018 to November 27, 2018;

4 3. The deadline for Class Counsel to file with the Court, and serve upon counsel for  
5 DairyAmerica and California Dairies, their motion for attorneys' fees, reimbursement of  
6 expenses and service awards for Class Representatives is extended from December 14,  
7 2018 to December 28, 2018;

8 4. The deadline for Settlement Class Members to sign and mail completed Claim Forms to  
9 the Claims Administrator is extended by two weeks, such that Claim Forms must be  
10 postmarked no later than January 28, 2019;

11 5. The deadline for Settlement Class Members to mail requests for exclusion to the Claims  
12 Administrator is extended by two weeks, such that requests for exclusion must be  
13 postmarked no later than January 28, 2019;

14 6. The deadline for Settlement Class Members to submit written objections to the  
15 Settlement Agreement, and/or Class Counsel's request for attorneys' fees, reimbursement  
16 of expenses and service awards for Class Representatives is extended by two weeks, such  
17 that objections must be received by the Court, Class Counsel, and Counsel for  
18 DairyAmerica and California Dairies no later than January 28, 2019;

19 7. The deadline for Class Counsel to file their motion for final approval of the Settlement  
20 Agreement with the Court, and serve it upon counsel for DairyAmerica and California  
21 Dairies, is extended from February 4, 2019 to February 19, 2019;

22 8. The deadline for Class Counsel to file with the Court, and serve upon counsel for  
23 DairyAmerica and California Dairies, affidavits or declarations of the person under  
24 whose general direction the mailing of the Long Notice and the publication of Summary  
25 Notice were made, is extended from February 4, 2019 to February 19, 2019;

26 9. The deadline for Class Counsel to file with the Court, and serve on the parties, responses  
27 to any timely objection filed by any member of the Settlement Class, is extended from  
28 February 4, 2019 to February 19, 2019;

1 10. The date of the hearing to determine the fairness, reasonableness, and adequacy of the  
2 proposed settlement with DairyAmerica and California Dairies and whether to approve  
3 Class Counsel's request for attorneys' fees, reimbursement of expenses and service  
4 awards for Class Representatives, is rescheduled from March 4, 2019, at 1:30 p.m., to  
5 March 18, 2019, at 1:30 p.m.

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7 IT IS SO ORDERED.

8 Dated: November 2, 2018

  
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SENIOR DISTRICT JUDGE