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

**RAFAEL MUNOZ, LIDIA CRUZ, and  
YANET HERNANDEZ, on behalf of  
themselves and all others similarly  
situated,**  
  
**Plaintiffs,**  
  
**v.**  
  
**GIUMARRA VINEYARDS  
CORPORATION and DOES 1 to 20  
inclusive,**  
  
**Defendant.**

**CIV-F-09-0703 AWI SMS**  
  
**ORDER RE: APPOINTMENT OF  
INTERIM CLASS COUNSEL AND  
CONSOLIDATION OF CASES**

Upon review of the various Plaintiffs’ Joint Stipulation re: Appointment of Lead Counsel the Court finds that good cause exists to GRANT the Stipulation. IT IS HEREBY ORDERED THAT:

- 1. The following are appointed as Co-Lead Counsel:
  - (1) Law Office of Mallison & Martinez; and
  - (2) McNicholas & McNicholas, LLP
- 2. The following are appointed as members of the Executive Committee:
  - (1) Bush, Gottlieb, Singer, Lopez, Kohanski, Adelstein, Dickinson;
  - (2) Kingsley & Kingsley, APC;
  - (3) Law Offices of Marcos Camacho;
  - (4) Milberg, LLP; and

1 (5) Weinberg, Roger & Rosenfeld.

2 3. The following are appointed as Co-Chairs of the Executive Committee:

3 (1) Kingsley & Kingsley, APC; and

4 (2) Milberg, LLP.

5 4. Co-Lead Counsel: Co-Lead Counsel shall have day-to-day responsibility for the conduct  
6 of the consolidated litigation; shall determine how to prosecute the case and shall initiate,  
7 coordinate and supervise the efforts of plaintiffs' counsel in the consolidated action in the areas  
8 of discovery, briefing, trial and settlement. Co-Lead Counsel shall also be deemed to be members  
9 of the Executive Committee. Co-Lead Counsel shall designate responsibilities for specific tasks  
10 to plaintiffs' counsel in the consolidated cases in a manner to assure that pretrial preparation is  
11 conducted effectively, efficiently and economically; shall assist the Executive Committee and its  
12 co-chairs in maintaining communication among counsel; and shall monitor the activities of  
13 plaintiffs' counsel to assure that schedules are met and unnecessary expenditures of time and  
14 money are avoided. Co-Lead Counsel shall maintain the official service list of all plaintiffs and  
15 plaintiffs' counsel in the Consolidated Actions, including their addresses. Co-Lead Counsel shall  
16 perform whatever any additional functions that may be assigned to them by the Court.

17 Agreements reached between defendant and Co-Lead Counsel are binding on all plaintiffs and  
18 their counsel. No discovery shall be served, and no motion shall be filed, by any plaintiff's  
19 counsel without the consent of Co-Lead Counsel, unless leave of Court is obtained.

20 5. Executive Committee. To the extent delegated by Co-Lead Counsel, members of the  
21 Executive Committee and its Chair shall execute the orders of the Court concerning the conduct  
22 of the litigation; formulate and draft material for plaintiffs in the Consolidated Actions, including  
23 interrogatories, document requests, pleadings, briefs and motion papers; and perform such other  
24 tasks as are delegated by Co-Lead Counsel, including, for example, the taking of depositions  
25 upon oral examination. Co-Lead Counsel and the Executive Committee members may organize  
26 whatever subordinate bodies or subcommittees they deem expedient, such as discovery  
27 committees and briefing committees.

28 6. Co-Chair of the Executive Committee. The Co-Chairs of the Executive Committee shall

1 be responsible for overseeing the work of that Committee, and coordinating the assignments  
2 established by the Co-Leads. In matters requiring an decision by the Executive Committee, each  
3 Co-Chair will have one vote and there will be no other votes except the co-leads. At both of the  
4 Co-Leads' invitation, the Co-Chairs may participate in the conferences and planning meetings  
5 conducted by Co-Leads.

6 7. Service of all papers filed with the Court shall be accomplished by e-filing, and no other  
7 type of service shall be required. Service of all papers that are not filed with the Court shall be  
8 accomplished by plaintiffs serving defendants' counsel, as applicable, by either: (i) overnight  
9 mail service; (ii) telecopier or (iii) hand delivery. Whenever feasible, the serving party shall send  
10 courtesy copies simultaneously via e-mail in PDF format, to defendant's counsel or to Co-Lead  
11 Counsel for Plaintiffs, as applicable.

12 8. The two cases (Civ. Case No. 09-0703 and Civ. Case No. 05-1600) will be consolidated  
13 as Civ. Case No. 09-0703. Plaintiffs are directed to file an amended complaint combining the  
14 two cases within thirty (30) days.

15  
16 IT IS SO ORDERED.

17 Dated: August 18, 2009

/s/ Anthony W. Ishii  
CHIEF UNITED STATES DISTRICT JUDGE