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Attorneys for Defendant DELANO FARMS COMPANY

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA AT FRESNO

SABAS ARREDONDO, JOSE CUEVAS, HILARIO GOMEZ, IRMA LANDEROS, and ROSALBA LANDEROS individually, and on behalf of all others similarly situated,

NO. 1:09-cv-01247-MJS

Plaintiffs,

V.

DELANO FARMS COMPANY, a Washington State Corporation; CAL-PACIFIC FARM MANAGEMENT, L.P.; T&R BANGI'S AGRICULTURAL SERVICES, INC., and DOES 1 through 10, inclusive.

**REVISED STIPULATION AND
ORDER REGARDING
MODIFICATION OF SCHEDULING
ORDER**

Defendants.

Having met and conferred, the Parties hereby submit that good cause exists to modify the Court's Scheduling Order (Doc. 412), as required by Federal Rule of Civil Procedure 16(b)(4). Defendants had a plan for timely completion of discovery, but have encountered circumstances necessitating a modification of the current scheduling order.

On or around March 30, 2016, counsel for California Survey Research Services (“CSRS”) informed Delano Farms that they had recently been retained and that the CSRS deponents were no longer available for depositions that previously had been scheduled to occur on April 11 and 12 (having been continued once, at CSRS’s request, from April 6 and 7). Counsel for CSRS requested a continuance of the depositions until the week of April 25 to give counsel adequate time to prepare. CSRS counsel also needed time to complete the production of documents responsive to Delano Farms’ subpoena. CSRS made a supplemental production of documents on April 7 and has told Delano Farms’ counsel that an additional production will be forthcoming on April 11.

The deposition of Plaintiffs' expert, Dr. Roberts, was scheduled for April 22. Because Defendants intend to depose Dr. Roberts after the CSRS deponents, Defendants prefer that his deposition be rescheduled for the first or second week of May and Plaintiffs do not object.

According to Plaintiffs’ counsel, Plaintiffs are also working in good faith with Bakersfield Market Research (“BMR”) to ensure that a small number of additional documents identified during the March 30 depositions of BMR representatives will be promptly produced to all Defendants.

Good cause existing to modify the Scheduling Order, the Parties hereby stipulate as follows:

1. Defendants' deadline for making expert disclosures and filing their responses to Plaintiffs' trial plan is continued from May 16, 2016 to June 6, 2016. If Defendants choose to make a counter-proposal, it shall be as part of their response.

2. Plaintiffs' deadline for filing a reply in support of their proposed trial plan is continued from June 6, 2016 to July 5, 2016.

3. The hearing on the trial plan shall be continued from June 30, 2016 to August 19, 2016, at 9:30 a.m., Fresno Courtroom 6 (MIS).

4. The existing discovery cut-off, May 30, 2016, is hereby stricken. The parties

will meet and confer regarding a proposed discovery cut-off and will present this cut-off date to the Court at the August 9 hearing on the trial plan.

5. The Trial Scheduling Conference shall be continued from September 15, 2016 to October 20, 2016, at 9:30 a.m., Fresno Courtroom 6 (MJS).

SO STIPULATED:

SAVITT BRUCE & WILLEY LLP

McCORMICK BARSTOW LLP

By /s/ David N. Bruce (as authorized on
04/19/2016)

By /s/ D. Greg Durbin (as authorized on
04/19/2016)

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By /s/ William C. Hahesy (as authorized
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By /s/ Mario Martinez (as authorized on
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**REVISED STIPULATION AND ORDER REGARDING
MODIFICATION OF SCHEDULING ORDER - 3
No. 1:09-cv-01247-MJS**

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ORDER

Good cause existing to modify the Scheduling Order, the Court hereby approves and adopts as the Order of the Court the stipulation as follows:

1. Defendants' deadline for making expert disclosures and filing their responses to Plaintiffs' trial plan is continued from May 16, 2016 to June 6, 2016. If Defendants choose to make a counter-proposal, it shall be as part of their response.
 2. Plaintiffs' deadline for filing a reply in support of their proposed trial plan is continued from June 6, 2016 to July 5, 2016.
 3. The hearing on the trial plan shall be continued from June 30, 2016 to August 19, 2016, at 9:30 a.m., Fresno Courtroom 6 (MJS).
 4. The existing discovery cut-off, May 30, 2016, is hereby stricken. The parties will meet and confer regarding a proposed discovery cut-off and will present this cut-off date to the Court at the August 9 hearing on the trial plan.
 5. The Trial Scheduling Conference shall be continued from September 15, 2016 to October 20, 2016, at 9:30 a.m., Fresno Courtroom 6 (MJS).

IT IS SO ORDERED.

Dated: April 22, 2016

/s/ *Michael J. Seng*
UNITED STATES MAGISTRATE JUDGE