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 8 **THE UNITED STATES DISTRICT COURT**  
 9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

10 NATIVIDAD GUTIERREZ,	)	Case No.: 1:10-CV-00291-AWI-GSA
	)	
Plaintiff,	)	<b>STIPULATION FOR FILING OF AN</b>
	)	<b>AMENDED COMPLAINT</b>
vs.	)	
	)	
ART SOTO dba DD'S DISCOUNTS,	)	
13 SAVEMART SUPERMARKETS, INC., SMS	)	
14 PROPERTY COMPANY,	)	
	)	
Defendants.	)	
	)	
	)	
	)	
	)	

18 IT IS HEREBY STIPULATED by and between the parties hereto through their respective  
 19 attorneys of record that Plaintiff may file a First Amended Complaint, a copy of which is  
 20 attached hereto.

21 IT IS FURTHER STIPULATED that the defendant waives notice and service of the First  
 22 Amended Complaint and shall not be required to answer the First Amended Complaint, and that  
 23 all denials, responses and affirmative defenses contained in the answer filed by defendant to the  
 24 original complaint shall be responsive to the First Amended Complaint.

25 IT IS SO STIPULATED.

26 Dated: March \_\_\_\_, 2010                      LANG, RICHERT & PATCH, P.C.  
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 28 By:     /s/Melody A. Hawkins      
 Melody A. Hawkins  
 Attorneys for Defendant SAVE MART SUPERMARKETS

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Dated: March 25, 2010

MOORE LAW FIRM, PC

By: /s/Tanya Levinson Moore  
Tanya Levinson Moore  
Attorney for Plaintiff Natividad Gutierrez

**ORDER**

The parties' stipulation is ADOPTED IN PART. The Clerk of the Court is DIRECTED to file the First Amended Complaint attached to the instant stipulation. With regard to that portion of the stipulation concerning Defendant's Answer, Defendant is DIRECTED to file a separate Answer to the First Amended Complaint for purposes of maintaining an accurate court docket.

**IT IS SO ORDERED.**

Dated: March 29, 2010

/s/ Gary S. Austin  
U.S. MAGISTRATE JUDGE GARY S. AUSTIN