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Attorneys for Plaintiff  
 7 SIMON V. GARCIA, individually and on behalf of all persons similarly situated

8 UNITED STATES DISTRICT COURT  
 9 EASTERN DISTRICT OF CALIFORNIA – FRESNO DIVISION

10 \* \* \*

11	SIMON V. GARCIA, an individual,	)	Case No. 1:10-CV-00324-OWW-SMS
		)	
12	Plaintiff,	)	<b>STIPULATION REGARDING</b>
		)	<b>PLAINTIFF’S FILING OF SECOND</b>
13	vs.	)	<b>AMENDED COMPLAINT AND</b>
		)	<b>DEFENDANTS’ ANSWER TO SECOND</b>
14	GORDON TRUCKING, INC., a California	)	<b>AMENDED COMPLAINT; AND ORDER</b>
	Corporation, which will transact business in	)	<b>THEREON</b>
15	California as L GORDON; STEVE	)	
	GORDON, an individual; BOB	)	
16	GOLDBERG, an individual; and Does 1	)	
	through 20, inclusive,	)	
17		)	
	Defendants.	)	<b>Complaint Filed: February 23, 2010</b>
18		)	District Judge Oliver W. Wanger
19		)	Magistrate Judge Sheila K. Oberto
20		)	

21 Plaintiff SIMON GARCIA (hereinafter, “PLAINTIFF”), by and through his counsel of  
 22 record, and Defendants GORDON TRUCKING, INC., a California corporation, STEVE  
 23 GORDON, an individual, and BOB GOLDBERG, an individual (hereinafter, collectively  
 24 “DEFENDANTS”), by and through their counsel of record, hereby stipulate and agree as  
 25 follows:

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I.

**STIPULATION**

WHEREAS, PLAINTIFF desires to file a Second Amended Complaint in order to correct certain formatting errors that appear in PLAINTIFF's First Amended Complaint;

WHEREAS, PLAINTIFF has provided DEFENDANTS with a copy of the proposed Second Amended Complaint; and

WHEREAS, counsel for both sides have conferred in good faith and hereby stipulate to the following:

1. Provided the Court approves, PLAINTIFF will file and serve his Second Amended Complaint, a true and correct copy of which is attached hereto as Exhibit "A," within five (5) days of the Court's entry of an Order permitting the filing of same; and

2. DEFENDANTS will file and serve their Answer to PLAINTIFF's Second Amended Complaint within 10 days of the filing of said Second Amended Complaint.

IT IS SO STIPULATED.

DATED: July 22, 2010

SUTTON HATMAKER LAW CORPORATION

By           /s/ S. Brett Sutton            
S. BRETT SUTTON  
Attorney for Plaintiff  
SIMON V. GARCIA

DATED: July 22, 2010

LAW OFFICES OF BRADLEY A. SILVA

By           /s/ Adam Smedstad            
ADAM SMEDSTAD  
Attorney for Defendants  
GORDON TRUCKING, INC., STEVE  
GORDON, BOB GOLDBERG

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**II.**

**ORDER**

Based on the above Stipulation of the parties and good cause appearing therefor,

IT IS HEREBY ORDERED THAT PLAINTIFF shall file and serve his proposed Second Amended Complaint within five (5) days of entry of this Order.

IT IS HEREBY FURTHER ORDERED THAT DEFENDANTS will file and serve their Answer to PLAINTIFF's Second Amended Complaint within ten (10) days of the filing of the Second Amended Complaint.

IT IS SO ORDERED.

Dated: July 22, 2010

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE