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11 **UNITED STATES DISTRICT COURT**  
12 **EASTERN DISTRICT OF CALIFORNIA**  
13 **FRESNO DIVISION**  
14

15 FOSTER POULTRY FARMS,

16 Plaintiff,

17 vs.

18 ALKAR-RAPIDPAK-MP EQUIPMENT, INC.  
and DOES 1-10,

19 Defendants.  
20

) No. 1:11-CV-00030-AWI-SMS  
)

) **ORDER GRANTING STIPULATION TO**  
) **CONTINUE HEARING ON DEFENDANT'S**  
) **MOTION TO DISMISS**  
)

) Current Hearing Date: March 21, 2011  
) Requested Hearing Date: April 11, 2011  
) Time: 1:30 p.m.  
) Courtroom: 2  
)

) Presiding: Hon. Anthony H. Ishii  
) Action Filed: December 13, 2010  
) Trial Date: None Set  
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[PROPOSED] ORDER GRANTING STIPULATION TO CONTINUE HEARING ON DEFENDANT'S MOTION TO DISMISS

1 The Court having considered Parties Joint Stipulation to Continue Case Management  
2 Conference and Hearings on Defendants' Demurrers, which stated as follows:

3 Plaintiff Foster Poultry Farms ("Plaintiff") and Defendant Alkar-RapidPak-MP Equipment, Inc.  
4 ("Defendant") (collectively referred to herein as the "Parties") hereby agree and stipulate as follows:

5 WHEREAS, Defendant's Motion to Dismiss Plaintiff's Complaint is scheduled for hearing  
6 before this Court on March 21, 2011;

7 WHEREAS, due to the schedules of Plaintiff's counsel, Plaintiff requested Defendant agree to  
8 continue the current hearing date of March 21, 2011 on Defendant's Motion to Dismiss;

9 WHEREAS, the Parties agree to a three-week continuance of the hearing on Defendant's  
10 Motion to Dismiss from March 21, 2011 to April 11, 2011, or a day thereafter that is convenient for the  
11 Court;

12 WHEREAS, the Parties agree that Plaintiff's new deadline to file its Opposition to Defendant's  
13 Motion to Dismiss is March 21, 2011 and Defendant's new deadline to file its Reply in support of  
14 Defendant's Motion to Dismiss is April 4, 2011; and

15 WHEREAS, this is the first request for a continuance of the hearing on Defendant's Motion to  
16 Dismiss;

17 **NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED** by and between the  
18 PARTIES, through their undersigned counsel of record, subject to the approval of the Court, as  
19 follows:

- 20 1. The hearing on Defendant's Motion to dismiss is continued to April 11, 2011;
- 21 2. Plaintiff shall file its Opposition to Defendant's Motion to Dismiss by March 21, 2011;

22 and  
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1           3.       Defendant shall file its Reply in support of Defendant's Motion to Dismiss by April 4,  
2 2011.

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5 IT IS SO ORDERED.

6 Dated: March 4, 2011

  
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CHIEF UNITED STATES DISTRICT JUDGE

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