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 9 IN THE UNITED STATES DISTRICT COURT
 10 EASTERN DISTRICT OF CALIFORNIA
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12 David Shayne Heine, California Veal Tech, Inc.
 a California corporation,

13 Plaintiffs,

14 v.

15 Tim Vilsack in His Official Capacity as United
 16 States Secretary of Agriculture, United States
 Department of Agriculture, United States
 17 Department of Agriculture Food Safety and
 Inspections Service, Yudhbir Sharma, DVM,
 18 USDA Employee Known Only as "Dr. Pannu,"
 USDA Employee Known only as "Ken,"USDA
 19 Employee Known only as "Dr. Redding,"
 USDA Employee Known Only as "Dr.
 20 Henley," Dr. Amy Lieder, Penny Patrali and
 DOES 1-100 inclusive,

21 Defendants.
22

Case No. 1:12-CV-01992-AWI-SMS

**STIPULATION AND ORDER
 REGARDING PLEADING
 SCHEDULE AND CONTINUANCE
 OF INITIAL SCHEDULING
 CONFERENCE**

23 Plaintiffs, David Shayne Heine and California Veal Tech, Inc. ("Plaintiffs"), and Defendants
 24 United States Department of Agriculture ("USDA") and Dr. Inderjeet Pannu, hereby stipulate and
 25 agree as follows:

26 1. This matter is before the Court on Plaintiffs' First Amended Complaint, filed August
 27 15, 2013 (Doc. 23). By Order of the Court on the parties' prior stipulation (Doc. 22), Defendants'
 28 response to the First Amended Complaint is due August 30, 2013. The Initial Scheduling

1 Conference is set for September 10, 2013 (Doc. 19).

2 2. Since the filing of the First Amended Complaint, the parties have been engaged in
3 discussions regarding the legal viability of numerous claims asserted by Plaintiffs in the First
4 Amended Complaint. Plaintiffs have agreed to consider further amending the complaint in order to
5 resolve legal issues that would otherwise be the subject of motion practice before the Court. The
6 parties agree that the interests of justice and judicial economy would be best served by an order
7 further amending the pleading schedule as follows: (1) Plaintiffs' Second Amended Complaint, if
8 any, shall be filed on or before September 13, 2013; and (2) the response of defendants Dr. Inderjeet
9 Pannu and USDA to the First Amended Complaint or Second Amended Complaint, as applicable,
10 shall be filed on or before October 4, 2013. The parties will request no further extension of the
11 pleading schedule.

12 3. The parties request that the Initial Scheduling Conference set for September 10, 2013,
13 be continued to mid-October 2013 or later, since further amendment of the pleadings is likely to bear
14 upon the claims remaining to be litigated and therefore the appropriate schedule for this case.

15
16 Dated: August 28, 2013

Respectfully submitted,

BENJAMIN B. WAGNER
United States Attorney

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18 /s/ Benjamin E. Hall
BENJAMIN E. HALL
Assistant U.S. Attorney
Attorney for Defendants

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20 Dated: August 28, 2013

THE ZUMWALT LAW FIRM, APC.

[Authorized August 28, 2013]

21
22 /s/ Graham S. Lopez
GRAHAM S. LOPEZ
Attorneys for Plaintiffs

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24 **ORDER**

25 Good cause appearing, IT IS HEREBY ORDERED as follows:

26 1. Plaintiffs' Second Amended Complaint, if any, shall be filed on or before September
27 13, 2013.
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1 2. The response of defendants Dr. Inderjeet Pannu and USDA to the First Amended
2 Complaint or Second Amended Complaint, as applicable, shall be filed on or before October 4,
3 2013.

4 3. The Initial Scheduling Conference is continued to October 30, 2013, at 10:30 a.m. in
5 Courtroom 1 before Magistrate Judge Sandra M. Snyder. The parties may appear telephonically
6 with the parties to arrange for a one-line conference call to chambers at (559) 499-5690. The parties
7 are also reminded to submit a joint scheduling report one week prior to the hearing.
8

9 IT IS SO ORDERED.

10 Dated: August 30, 2013

/s/ SANDRA M. SNYDER
HON. SANDRA M. SNYDER
United States Magistrate Judge