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8 *Attorneys for Plaintiff,*  
 9 DAVID SHAYNE HEINE

10 **UNITED STATES DISTRICT COURT**  
 11 **EASTERN DISTRICT OF CALIFORNIA**

12 David Shayne Heine, California Veal Tech,  
 13 Inc. a California Corporation

14 Plaintiffs,

15 vs.

16 Tom Vilsack in His Official Capacity as  
 17 United States Secretary of Agriculture,  
 18 United States Department Of Agriculture,  
 19 United States Department Of Agriculture  
 20 Food Safety and Inspection Service, Yudhbir  
 21 Sharma, DVM, USDA Employee Known  
 22 Only as "Dr. Pannu," USDA Employee  
 23 Known only as "Ken," USDA Employee  
 24 Known only as "Dr. Redding," USDA  
 25 Employee Known Only as "Dr. Henley," Dr.  
 26 Amy Lieder, Penny Patrali and DOES 1 –  
 27 100 inclusive,

28 Defendants.

**CASE NO.: 1:12-CV-01992-AWI-SMS**

**STIPULATION AND ORDER FOR  
 PLAINTIFFS TO FILE THIRD  
 AMENDED COMPLAINT**

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

1           1.       The defendants have filed a motion to dismiss the third, fourth, fifth and sixth  
2 causes of action alleged in the plaintiffs' second amended complaint ("SAC"). The motion is set  
3 to be heard on December 9, 2013 at 1:30 p.m. in courtroom 2.

4           2.       The motion to dismiss will be taken off calendar and plaintiffs will file a third  
5 amended complaint ("TAC") by December 9, 2013. The TAC will not have the third, fourth,  
6 fifth and sixth causes of action alleged in the SAC.

7           3.       The plaintiffs have filed a claim with the defendant USDA for the relief sought in  
8 the third, fourth, fifth and sixth causes of action alleged in the SAC. If and when the claim is  
9 rejected, the plaintiffs may seek leave of the Court to file a fourth amended complaint asserting  
10 additional claims. Defendants reserve all objections to such further amendment and to such  
11 additional claims, if any.  
12  
13

14           Respectfully submitted:

15 Dated: November 27, 2013

**BENJAMIN B. WAGNER**  
**United States Attorney**

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

**THE ZUMWALT LAW FIRM, LLP**

21 Dated: November 27, 2013

/s/ Graham Lopez  
GRAHAM LOPEZ  
Attorney for Plaintiffs

**ORDER**

25           IT IS SO ORDERED.

26 Dated: 12/2/2013

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