

1 DANIEL F. GAINES, ESQ. SBN 251488
daniel@gaineslawfirm.com
2 ALEX P. KATOFSKY, ESQ. SBN 202754
alex@gaineslawfirm.com
3 SEPIDEH HIRMAND, ESQ. SBN 274259
sepideh@gaineslawfirm.com
4 EVAN S. GAINES, ESQ. SBN 287668
evan@gaineslawfirm.com
5 **GAINES & GAINES, APLC**
21550 Oxnard Street, Suite 980
6 Woodland Hills, California 91367
Telephone: (818) 703-8985
7 Facsimile: (818) 703-8984

8 Attorneys for Plaintiff JOSE GONZALEZ, on behalf of
himself and others similarly situated, and on behalf of the
9 general public

10 ALDEN J. PARKER, ESQ. SBN 196808
MEAGAN D. CHRISTIANSEN, ESQ. SBN 240679
11 **WEINTRAUB TOBIN CHEDIAK COLEMAN**
GRODIN LAW CORPORATION
12 400 Capitol Mall, 11th Floor
13 Sacramento, California 95814
Telephone: (916) 558-6000
14 Facsimile: (916) 446-1611

15 Attorneys for Defendants

16 **UNITED STATES DISTRICT COURT**
17 **EASTERN DISTRICT OF CALIFORNIA**
18 **FRESNO DIVISION**

19 JOSE GONZALEZ, on behalf of himself and
all others similarly situated,

20 Plaintiff,

21 v.

22 HARRIS RANCH BEEF COMPANY, a
23 California corporation; HARRIS RANCH
24 BEEF HOLDING COMPANY, a California
25 corporation; and DOES 1 through 10,
inclusive.

26 Defendants.
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CASE NO.: 1:14-cv-00038-LJO-SAB

**STIPULATION AND ORDER TO
SUBSTITUTE IN HARRIS FARMS, INC.
AS DOE 1 AND TO DISMISS
DEFENDANTS HARRIS RANCH BEEF
COMPANY AND HARRIS RANCH BEEF
HOLDING COMPANY WITHOUT
PREJUDICE (FED. R. CIV. P. 41(a))**

1 Plaintiff JOSE GONZALEZ and Defendants HARRIS RANCH BEEF COMPANY and
2 HARRIS RANCH BEEF HOLDING COMPANY, by and through their respective counsel, hereby
3 enter into the following stipulation and request the Court to enter an order in conformance
4 therewith.

5 WHEREAS, Defendants have represented to Plaintiff that the entity from which Plaintiff
6 and members of the proposed Class were issued allegedly defective credit and debit card receipts is
7 owned and operated by Harris Farms, Inc. and not Harris Ranch Beef Company or Harris Ranch
8 Beef Holding Company;

9 WHEREAS, Plaintiff seeks to amend his complaint to substitute a new party, Harris Farms,
10 Inc., as a defendant in place of the fictitiously named defendant DOE 1 named in Plaintiff's
11 Complaint; and

12 WHEREAS, Plaintiff also seeks to amend his complaint to dismiss Defendants Harris Ranch
13 Beef Company and Harris Ranch Beef Holding Company, without prejudice, as they are not the
14 proper parties to this Action;

15 NOW, THEREFORE, IT IS HEREBY STIPULATED THAT:

16 1. Harris Farms, Inc. shall be substituted in for the fictitiously-named defendant DOE 1
17 in Plaintiff's Complaint;

18 2. Defendants Harris Ranch Beef Company and Harris Ranch Beef Holding Company
19 shall be dismissed from the Action without prejudice, with all parties to bear their own costs and
20 attorneys' fees with respect to the dismissal of these Defendants, only; and

21 3. Defendants Harris Ranch Beef Company and Harris Ranch Beef Holding Company
22 shall not oppose any further amendments to add either party as a defendant should Plaintiff later
23 determine that Harris Ranch Beef Company or Harris Ranch Beef Holding Company are necessary
24 parties.

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1 **IT IS SO STIPULATED.**

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3 **GAINES & GAINES, APLC**

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5 Dated: February 11, 2014

/s/ Alex P. Katofsky
By: Alex P. Katofsky
Attorneys for Plaintiff

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9 **WEINTRAUB TOBIN CHEDIAK COLEMAN
GRODIN**

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11 Dated: February 11, 2014

/s/ Alden J. Parker (As Authorized on 2/10/14)
By: Alden J. Parker
Attorneys for Defendants

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ORDER

Based on the Stipulation of the Parties, it is **ORDERED** that:

1. Harris Farms, Inc. is substituted in for the fictitiously-named defendant DOE 1 in Plaintiff's Complaint;
2. Defendants Harris Ranch Beef Company and Harris Ranch Beef Holding Company are dismissed from the Action without prejudice, with all parties to bear their own costs and attorneys' fees with respect to the dismissal off these Defendants, only; and
3. Defendants Harris Ranch Beef Company and Harris Ranch Beef Holding Company shall not oppose any further amendments to add either party as a defendant should Plaintiff later determine that Harris Ranch Beef Company and Harris Ranch Beef Holding Company are necessary parties.

IT IS SO ORDERED.

Dated: February 11, 2014

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE