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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RAFAEL MARQUEZ AMARO and
JESUS ALARCON URZUA,

Plaintiffs,

v.

GERAWAN FARMING, INC. and
GERAWAN FARMING PARTNERS,
INC.,

Defendants.

No. 1:14-cv-00147-DAD-SAB

ORDER ON DEFENDANTS' MOTION TO
MODIFY SCHEDULING ORDER AND FOR
LEAVE TO AMEND ANSWER

(Doc. No. 84)

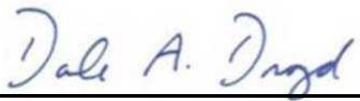
On December 13, 2016, defendants filed the instant motion seeking to modify the scheduling order and for leave to amend their answer to add an affirmative defense based on the statutory safe harbor provision. (Doc. No. 84.) Plaintiffs filed an opposition on January 3, 2017, objecting to the proposed amendment as futile and raising additional constitutional challenges to the safe harbor provision in its entirety. (Doc. No. 85.) Defendants replied on January 10, 2017. (Doc. No. 86.)

This motion is suitable for resolution on the briefs submitted, and the hearing set for January 17, 2017 is vacated. The matter is taken under submission and a written order will follow eventually, though not until appellate proceedings before the Ninth Circuit in the related case of *Fowler Packing Co., Inc. v. Lanier*, No. 1:16-cv-00106-DAD-SAB have concluded. Once these

1 appellate proceedings are concluded, the court may request additional briefing and/or oral
2 argument on the instant motion.

3 IT IS SO ORDERED.

4 Dated: January 12, 2017


5 UNITED STATES DISTRICT JUDGE

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