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10	Attorneys for Defendant WAWONA FROZEN FOODS
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12	UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA
13	FRESNO DIVISION
14	LUIS AGUILAR, on behalf of himself and on) Case No.: 1:15-cv-00093-TLN-GSA behalf of all other similarly situated individuals,)
15	Plaintiff,) STIPULATION AND ORDER FOR
16	v.) FILING OF SECOND AMENDED v.) COMPLAINT
17) WAWONA FROZEN FOODS; WAWONA)
18	EXPORT; WAWONA PACKING CO. LLC., and)
19	DOES 1-50, inclusive,) Defendants.)
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28	- 1 -
	Stipulation and Order For Filing of Second Amended Complaint; Order
	Aguilar v. Wawona Frozen Foods, <i>et al.</i> U.S.D.C. E.D.C.A. Case No.: 1:15-cv-00093-TLN-GSA
	0.5.D.C. D.D.C.A. Case 110., 1.15-ev-000/5-1211-05A

1	Whereas, the Parties wish to resolve any disagreement related to Plaintiff's filing of a
2	Second Amended Complaint;
3	Whereas, the parties have agreed that Plaintiff will withdraw his Motion for Leave to File a
4	Second Amended Complaint, Docked No. 41;
5	Whereas, the Plaintiff has agreed to refrain from running radio advertising related to
6	Defendant for the pendency of this case;
7	Whereas, Defendant has agreed to provide the contact information (name, address, and
8	telephone number) for the Class upon Court Order if and when the issue of the need for an opt-out
9	notice is raised before the Court and the Court orders disclosure of the class list with or without an
10	opt-out notice;
11	Whereas, Plaintiff has agreed to appear for deposition at a mutually agreeable time and
12	place for the limited purpose of examination on the issue of the amendments to the First Amended
13	Complaint contained in the Second Amended Complaint.
14	THEREFORE, IT IS HEREBY STIPULATED by and between the parties hereto through
15	their respective attorneys of record that Plaintiff may file a Second Amended Complaint, a copy of
16	which is attached hereto. Respectfully submitted,
17	
18	The Downey Law Firm, LLC
19	/s/ Cory G. Lee
20	Cory Lee
21	Of Counsel Counsel for the Plaintiff and the putative class
22	Dated: September _30, 2015
23	SAGASER, WATKINS & WIELAND, PC
24	/a/ Howard A. Sagagar
25	/s/ Howard A. Sagaser
26	Howard A. Sagaser Counsel for Defendant WAWONA FROZEN FOODS
27	Dated: September 30, 2015
28	- 2 -
	Stipulation and Order For Filing of Second Amended Complaint; Order
	Aguilar v. Wawona Frozen Foods, <i>et al.</i> U.S.D.C. E.D.C.A. Case No.: 1:15-cv-00093-TLN-GSA

1	ORDER
2	Based on the above stipulation between the parties, Plaintiffs are granted leave to file a
3	Second Amended Complaint ("SAC"). The Clerk of the Court is directed to file in Plaintiffs' SAC
4	that is an attachment to the Stipulation and Proposed Order (ECF No. 44-1) as a separate docket
5	entry.
6	Since the parties have stipulated to the amendment and Plaintiffs have filed a Notice of
7	Withdrawal of the Motion for Leave to Amend the Complaint, the hearing set for October 23,
8	2015 at 9:30 a.m. is VACATED.
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10	IT IS SO ORDERED.
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12	Dated: October 1, 2015 /s/ Gary S. Austin UNITED STATES MAGISTRATE JUDGE
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28	- 3 -
	Stipulation and Order For Filing of Second Amended Complaint; Order
	Aguilar v. Wawona Frozen Foods, <i>et al.</i> U.S.D.C. E.D.C.A. Case No.: 1:15-cv-00093-TLN-GSA