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8	UNITED STATES DISTRICT COURT		
9	FOR THE EASTERN DISTRICT OF CALIFORNIA		
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11	BEATRIZ ALDAPA, et al.,	No. 1:15-cv-00420-DAD-SAB	
12	Plaintiffs,		
13	v.	ORDER ON DEFENDANTS' MOTION TO	
14	FOWLER PACKING COMPANY, INC.,	MODIFY SCHEDULING ORDER AND FOR LEAVE TO AMEND ANSWER	
15	et al.,	(Doc. No. 136)	
16	Defendants.		
17	On December 14, 2016, defendants filed the instant motion seeking to modify the		
18	scheduling order and allow them to amend their answer to add an affirmative defense based on		
19	the statutory safe harbor provision. (Doc. No. 136.) Plaintiffs filed an opposition on January 3,		
20	2017, objecting to the proposed amendment as futile and raising additional constitutional		
21	challenges to the safe harbor provision in its entirety. (Doc. No. 140.) Defendants replied on		
22	January 10, 2017. (Doc. No. 141.)		
23	This motion is suitable for resolution on the briefs submitted, and the hearing set for		
24	January 17, 2017 is vacated. The matter is taken under submission and a written order will follow		
25	eventually, though not until appellate proceedings before the Ninth Circuit in the related case of		
26	Fowler Packing Co., Inc. v. Lanier, No. 1:16-cv-00106-DAD-SAB have concluded. Once these		
27	appellate proceedings are concluded, the court may request additional briefing and/or oral		
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1	argument on the instant motion. Meanwhile, the court encourages the parties to continue	
2	diligently litigating those aspects of this case related to class certification.	
3	IT IS SO ORDERED.	
4	Dated: January 12, 2017 Dale A. Dryd	
5	UNITED STATES DISTRICT JUDGE	
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