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10 Attorneys for Defendants,
11 AGRESERVES, INC. dba SOUTH VALLEY
12 FARMS and SOUTH VALLEY ALMOND
13 COMPANY, LLC

14 UNITED STATES DISTRICT COURT
15 EASTERN DISTRICT OF CALIFORNIA

16 LEONEL ROJAS RIVERA, individually and on)
17 behalf of other persons similarly situated,)

18 Plaintiff,)

19 vs.)

20 AGRESERVES, INC. dba SOUTH VALLEY)
21 FARMS; and SOUTH VALLEY ALMOND)
22 COMPANY, LLC; and DOES 1 through 10,)

23 Defendants.)

NO. 1:15-CV-00613-AWI-JLT

24 **STIPULATION AND ORDER FOR**
25 **EXTENSION OF TIME FOR**
26 **DEFENDANT TO FILE**
27 **RESPONSIVE PLEADING (L. Rule**
28 **144; FRCP 6)**

(Doc. 5)

1 STIPULATION

2 Pursuant to Civil Local Rule 144, and Fed. R. Civ. P. 6, Plaintiff Leonel Rojas Rivera, by
3 and through his attorneys of record, and Defendants AgReserves, Inc. dba South Valley Farms
4 (“AgReserves”) and South Valley Almond Company, LLC (“Almond Company), by and through
5 their attorneys of record, hereby stipulate to an extension as follows:

6 1. On March 10, 2015, Plaintiff Leonel Rojas Rivera (“Plaintiff”) filed a putative
7 class action complaint (“the Complaint”) in Kern County Superior Court (Case No. S-1500-CV-
8 284358)

9 2. On April 20, 2015, Defendant AgReserves filed a Notice of Removal pursuant to
10 28 U.S.C. §§ 1332, 1441, and 1446 in the Eastern District of California (Case No. 1:15-AT-
11 00326). On the same day, April 20, 2015, Defendant Almond Company consented to
12 AgReserves’s Notice of Removal.

13 3. Defendants currently must file responsive pleadings by April 27, 2015.

14 4. On April 21, 2015, the parties met and conferred in compliance with Eastern
15 District of California Local Rule 144 regarding Defendants’ intent to file respective Motions to
16 Dismiss the Complaint pursuant to Fed. R. Civ. P. 12.

17 5. During the meet and confer process, the parties could not agree on whether
18 Plaintiff would file a first amended complaint in federal court. To allow Plaintiff ample time to
19 decide whether to file an amended complaint in the Eastern District of California in lieu of
20 Defendants filing their respective Motions to Dismiss the Complaint, Defendants must have an
21 extension to respond to the initial Complaint while Plaintiff weighs his options.

22 Based on the foregoing, IT IS HEREBY STIPULATED, by and between all parties
23 through their respective counsel of record that:

24 (1) Defendant AgReserves’s date to answer or otherwise respond to the initial Complaint
25 on file is extended to May 10, 2015.

26 (2) Defendant Almond Company’s date to answer or otherwise respond to the initial
27 Complaint on file is extended to May 10, 2015.

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(3) If Plaintiff so chooses, Plaintiff may file an amended complaint on or before May 1, 2015. If the amended complaint is filed, Defendants’ time to answer or otherwise respond to the amended complaint will be in accordance with Fed. R. Civ. P. 15(a)(3) – namely, 14 days after service of the amended complaint.

IT IS SO STIPULATED.

Dated: April 21, 2015

KARASIK LAW FIRM

By: /s/ _____
Gregory N. Karasik
Attorneys for Plaintiff,
LEONEL ROJAS RIVERA, on behalf of
himself and all others similarly situated

Dated: April 21, 2015

GRESHAM SAVAGE NOLAN & TILDEN, PC

By: /s/ _____
Richard D. Marca
Jamie E. Wrage
Jeff T. Olsen
Attorneys for Defendants, AGRESERVES,
INC dba SOUTH VALLEY FARMS, and
SOUTH VALLEY ALMOND COMPANY,
LLC

ORDER

IT IS SO ORDERED.

Dated: April 23, 2015

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE