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11 **UNITED STATES DISTRICT COURT**
12 **EASTERN DISTRICT OF CALIFORNIA**

13 RACHEL LOBATO,

14 Plaintiff,

15 vs.

16 EVERARDO O. GOMEZ, individually and
17 dba EL SARAPE RESTAURANT, et al.

18 Defendants.

) No. 1:15-cv-00686-EPG

) **STIPULATION GRANTING PLAINTIFF**
) **LEAVE TO FILE FIRST AMENDED**
) **COMPLAINT; ORDER**

) (ECF No. 18)

19 **IT IS HEREBY STIPULATED** by and between Plaintiff, Rachel Lobato (“Plaintiff”),
20 and Defendants, Everardo O. Gomez and Dolores Gomez, both individually and dba El Sarape
21 Restaurant (collectively “Defendants,” and together with Plaintiff, the “Parties”), the parties
22 hereto, through their respective attorneys of record, that Plaintiff may file a First Amended
23 Complaint, a copy of which is attached hereto as Exhibit “A.” This amendment will not modify
24 any date or deadline fixed by the Court’s Scheduling Conference Order dated November 2,
25 2015 (Dkt. 17) pursuant to Fed. R. Civ. P. 16(b)(4), and is not prejudicial to Defendants, the
26 product of undue delay, proposed in bad faith, or futile.

27 **IT IS FURTHER STIPULATED** that Plaintiff will file her First Amended Complaint
28 within five (5) calendar days of the Court’s Order permitting such filing, and that Defendants’

STIPULATION GRANTING PLAINTIFF LEAVE TO FILE FIRST AMENDED COMPLAINT; ORDER

1 response thereto shall be filed within fourteen (14) days after the First Amended Complaint is
2 filed.

3 **IT IS SO STIPULATED.**

4 Dated: January 4, 2016

MOORE LAW FIRM, P.C.

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/s/ Tanya E. Moore

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Tanya E. Moore

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Attorney for Plaintiff,

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Rachel Lobato

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Dated: January 4, 2016

PHILLIPS MUNOZ LAW

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/s/ Kathleen M. Phillips

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Kathleen M. Phillips

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Attorneys for Defendants,

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Everardo O. Gomez and Dolores Gomez

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STIPULATION GRANTING PLAINTIFF LEAVE TO FILE FIRST AMENDED COMPLAINT; ORDER

ORDER

Based on the above stipulation, **IT IS HEREBY ORDERED** that:

1. Plaintiff shall file her First Amended Complaint within five (5) days of the date of this Order;
2. Defendants' response to the First Amended Complaint shall be filed within fourteen (14) days after the First Amended Complaint is filed; and,
3. Plaintiff's Motion to Amend the Complaint (ECF No. 18) is DENIED AS MOOT. The hearing on the Motion, currently set for January 29, 2016 at 10:00 a.m., is VACATED.

IT IS SO ORDERED.

Dated: January 7, 2016

/s/ Eric P. Gray
UNITED STATES MAGISTRATE JUDGE