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13

14 **UNITED STATES DISTRICT COURT**  
15 **EASTERN DISTRICT OF CALIFORNIA**  
16 **FRESNO DIVISION**

17 LAND O'LAKES, INC.,  
18 Plaintiff,  
19 v.  
20 DAIRYAMERICA, INC.; SILLIKER, INC.;  
and DOES 1 through 50, inclusive,  
21 Defendants.  
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CASE NO. 1:15-cv-01937-DAD-MJS  
**STIPULATION AND ORDER**  
**(MODIFIED)**\_\_\_\_\_

26 Pursuant to Rule 6-144(a) of the General Local Rules of the above Court, Plaintiff, LAND  
27 O'LAKES, INC. ("LOL" or "Plaintiff"), and Defendants DAIRYAMERICA, INC.  
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1 (“DairyAmerica”) and SILLIKER, INC. (“Silliker”) (together, “Defendants”), by and through  
2 their respective attorneys of record, (collectively the “Parties”) hereby stipulate to the following:

3 **RECITALS**

4       Whereas the Parties wish to coordinate their filing and hearing dates in relation to  
5 Defendants’ Motions to Dismiss in order to efficiently manage the Court’s and Counsels’  
6 resources;

7       Whereas, Plaintiff served its First Amended Complaint on DairyAmerica and Silliker on  
8 March 21, 2016, and may want to further amend its complaint;

9       Whereas, there have been no prior extensions of time granted to Defendants to respond to  
10 Plaintiff’s First Amended Complaint, which may include a joint or individual motions to dismiss;

11       Whereas the Parties wish to extend the time for Defendants to file a responsive pleading  
12 due to continuing negotiations among the Parties towards a resolution of this matter;

13       Whereas Plaintiff has indicated a desire to file a single opposition to the Defendants’  
14 Motions to Dismiss, if filed and if practical;

15       Whereas the Parties wish to have Defendants’ Motions heard on the same day for the  
16 convenience of the Court and the Parties;

17 **STIPULATION**

18       Therefore, IT IS HEREBY STIPULATED AND AGREED, by the Parties, through their  
19 respective counsel of record, as follows:

- 20       1. Plaintiff may amend its complaint. If Plaintiff determines that it will file a Second  
21 Amended Complaint, it will do so by April 18, 2016;
- 22       2. Defendants’ Motions to Dismiss either joint or individually or responsive pleading to  
23 Plaintiff’s First Amended Complaint or subsequent complaint, and all papers in  
24 support of the same, are due filed and served on or before May 23, 2016;
- 25       3. Plaintiff’s Opposition to Defendants’ Motion to Dismiss Plaintiff’s First Amended  
26 Complaint or subsequent complaint, and all papers in support of the same, are due  
27 filed and served on or before June 16, 2016;
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- 4. Plaintiff may, if it elects, file a joint Opposition to Defendants’ Motions to Dismiss Plaintiff’s First Amended Complaint or subsequent complaint;
- 5. If Plaintiff elects to file a joint Opposition to Defendants’ Motions to Dismiss Plaintiff’s First Amended Complaint or subsequent complaint, Plaintiff will have an additional 10 pages for its Opposition to Defendants’ Motions to Dismiss Plaintiff’s First Amended Complaint or subsequent complaint above the limit set by the Case Management Order in this matter;
- 6. Defendants’ replies in support of their Motions to Dismiss Plaintiff’s First Amended Complaint or subsequent complaint, and all papers in support of the same, are due filed and served on or before June 27, 2016;
- 7. The Court to set the hearing on Defendants’ Motions to Dismiss Plaintiff’s First Amended Complaint or subsequent complaint on the first day convenient to the Court’s calendar after July 6, 2016.

Dated: April 14, 2016

Respectfully submitted,

/s/ Allison A. Davis

/s/ Seth D. Hilton

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11 *Counsel for Silliker, Inc.*

### ORDER

12 The Courts adopts the parties' stipulation as follows:

- 13 1. Plaintiff is granted leave to file a Second Amended Complaint. If Plaintiff determines that  
14 it will file a Second Amended Complaint, it will do so by April 18, 2016;
- 15 2. Defendants' Motions to Dismiss either joint or individually or responsive pleading to  
16 Plaintiff's First Amended Complaint or subsequent complaint, and all papers in support of  
17 the same, are due filed and served on or before May 23, 2016;
- 18 3. Plaintiff's Opposition to Defendants' Motion to Dismiss Plaintiff's First Amended  
19 Complaint or subsequent complaint, and all papers in support of the same, are due to be  
20 filed and served on or before June 16, 2016;
- 21 4. Plaintiff may, if it elects, file a joint Opposition to Defendants' Motions to Dismiss  
22 Plaintiff's First Amended Complaint if filed;
- 23 5. If Plaintiff elects to file a joint Opposition to Defendants' Motions to Dismiss Plaintiff's  
24 First Amended Complaint or subsequent complaint, Plaintiff will have an additional 10  
25 pages for its Opposition to Defendants' Motions to Dismiss Plaintiff's First Amended  
26 Complaint or subsequent complaint above the limit set by the Case Management Order in  
27 this matter **IF PERMISSION TO DO SO IS GRANTED BY THE DISTRICTY**  
28 **JUDGE;**
6. Defendants' replies in support of their Motions to Dismiss Plaintiff's First Amended  
Complaint or subsequent complaint, and all papers in support of the same, are due filed

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and served on or before June 27, 2016;

7. The Court will set any hearing on Defendants' Motions to Dismiss Plaintiff's First Amended Complaint or subsequent complaint on the first day convenient to the Court's calendar after July 6, 2016.

IT IS SO ORDERED.

Dated: April 18, 2016

/s/ Michael J. Seng  
UNITED STATES MAGISTRATE JUDGE