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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LINDE, LLC,

Plaintiff,

v.

VALLEY PROTEIN, LLC, AND DOES 1
to 10,

Defendants.

No. 1:16-cv-00527-DAD-EPG

ORDER PERMITTING FILING OF
COUNTERCLAIM AND FIRST AMENDED
ANSWER

(Doc. Nos. 20, 23, 26)

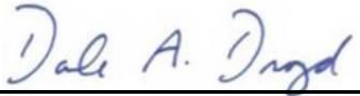
On February 1, 2017, defendant and now counterclaimant, Valley Protein, LLC, filed a motion seeking leave to file a first amended answer and counterclaim. (Doc. Nos. 20, 23.) On February 21, 2017, the parties filed a joint stipulation agreeing that defendant/counterclaimant shall be allowed to file a counterclaim attached as Exhibit A to the Declaration of Russell K. Ryan in Support of Motion for Leave to File Counterclaim. (Doc. No. 26 at ¶ 1.) The parties further stipulated that defendant/counterclaimant shall be allowed to file a first amended answer attached as Exhibit A to the Declaration of Russell K. Ryan in Support of Motion for Leave to File First Amended Answer. (*Id.* at ¶ 2.) The parties agree that counter-defendant, Linde, LLC, shall have thirty days from the date of this order to file a responsive pleading to the counterclaim. (*Id.* at ¶ 3.) The court will adopt the parties' stipulation and adopt the agreed upon date for the filing of counter-defendant's filing of a responsive pleading to the counterclaim.

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Since the parties have provided written consent to amendment pursuant to Federal Rule of Civil Procedure 15(a)(2) and defendant/counterclaimant's motions for leave to file counterclaim and leave to file first amended answer (Doc Nos. 20, 23) have been granted by this order, the hearing on those motions currently set for March 7, 2017 at 9:30 a.m. is hereby vacated.

IT IS SO ORDERED.

Dated: February 21, 2017


UNITED STATES DISTRICT JUDGE