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

FATHI ELTAREB, an individual; El Tareb
Market #2, a sole proprietorship,

Plaintiffs,

v.

UNITED STATES OF AMERICA,

Defendant.

Case No. 1:16-cv-00904-LJO-SAB
**ORDER RE JOINT STIPULATION FOR
PLAINTIFF TO FILE FIRST AMENDED
COMPLAINT**

(ECF No. 17)

Plaintiffs Fathi El Tareb and El Tareb Market #2 (“Plaintiffs”) and Defendant, United States of America (“Defendant”), (collectively “the parties”) stipulate, by and through the undersigned counsel, to the following:

1. Plaintiffs should be granted leave to amend to file their First Amended Complaint, a copy of which was docketed at ECF No. 16.
2. Defendant’s responsive pleading to the First Amended Complaint shall be due thirty (30) days after the order is signed.
3. It is further stipulated that the filing of the First Amended Complaint does not moot the Defendant’s pending Motion to Dismiss Count II under Federal Rule of Civil Procedure 12(b)(6) pending before the Honorable Lawrence J. O’Neill (ECF Nos. 10, 12).

The parties base this stipulation on good cause, which includes conserving the parties and judicial resources by avoiding another motion in connection with the filing of the First Amended Complaint without leave of court under Federal Rule of Civil Procedure 15(a)(1).

1 DATED: October 20, 2016

FRAME, MATSUMOTO & COELHO LLP

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(As authorized 10/20/2016)

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/s/ Gary J. Coelho II

GARY J. COELHO II

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Attorneys for Plaintiffs

5 DATED: October 20, 2016

METROPOLITAN LAW GROUP, PLLC

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(As authorized 10/20/2016)

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/s/ Andrew Z. Tapp

ANDREW Z. TAPP, PHV

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Attorneys for Plaintiffs

9 DATED: October 20, 2016

PHILLIP A. TALBERT
Acting United States Attorney

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(As authorized 10/20/2016)

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/s/ Alyson A. Berg

ALYSON A. BERG

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Assistant United States Attorney

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Attorneys for Defendant,

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United States of America

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ORDER

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Having reviewed the stipulation, the Court notes that the District Judge will determine

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whether the motion to dismiss is moot. Accordingly, IT IS HEREBY ORDERED that:

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- 1. Plaintiffs are granted leave to amend to file their First Amended Complaint, a copy of which was docketed at ECF No. 16; and

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- 2. Defendant's responsive pleading to the First Amended Complaint shall be due thirty (30) days after the order is signed.

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IT IS SO ORDERED.

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Dated: October 21, 2016



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UNITED STATES MAGISTRATE JUDGE

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