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8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA AT FRESNO

10 ISIDRO PANIAGUA individually, and on  
11 behalf of all others similarly situated,

12 Plaintiff,

13 v.

14 DELANO FARMS COMPANY, a Washington  
15 State Corporation; CAL-PACIFIC FARM  
16 MANAGEMENT, L.P.; T&R BANGI'S  
17 AGRICULTURAL SERVICES, INC., KERN  
18 AG LABOR MANAGEMENT, INC., LA  
19 VINA CONTRACTING, INC. and DOES 1  
20 through 10, inclusive,

21 Defendants.

NO. 1:16-cv-00907-DAD-JLT

**STIPULATED DISMISSAL OF LA  
VINA CONTRACTING, INC. AND  
ORDER TRANSFERRING CASE  
FOR PURPOSES OF SETTLEMENT**

**(Doc. 30)**

22 The named parties, except for La Vina Contracting, Inc. ("La Vina"), have negotiated  
23 the terms for settlement of both this matter ("*Paniagua*") and the matter of *Arredondo et al. v.*  
24 *Delano Farms Co. et al.* (Case No. 1:09-cv-01247-MJS) ("*Arredondo*") and are preparing a  
25 stipulation of settlement for preliminary approval ("Settlement"). For the sole purpose of  
26 effectuating the Settlement, the undersigned hereby stipulate as follows:

27 1. Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), La Vina shall be dismissed from the  
*Paniagua* action without prejudice and without an award of attorneys' fees or costs to any  
party. The undersigned stipulate that any applicable statute of limitations to the claims asserted

1 in the *Paniagua* Complaint against the parties represented by the undersigned counsel (ECF  
2 No. 2) shall be deemed tolled from the date of the filing of the *Paniagua* action until the  
3 Settlement Agreement is terminated, fails to become effective or actually becomes effective.  
4 Should the Settlement Agreement fail to become effective for any reason, the parties may  
5 resume their litigation positions that existed as of August 24, 2016.

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7 2. *Paniagua* is related to the *Arredondo* action under Local Court Rule 123(a)(4),  
8 and this Court may enter an order transferring *Paniagua* to Magistrate Judge Michael J. Seng  
9 because “it would entail substantial duplication of labor if the actions were heard by different  
10 Judges or Magistrate Judges.”

11 3. The parties also have executed and filed a consent to have Magistrate Judge  
12 Seng conduct all further proceedings in *Paniagua*, to take effect once this order is executed and  
13 La Vina is dismissed from *Paniagua* and the *Paniagua* case is transferred.

14 4. In light of the filing of Plaintiffs’ Motion for Certification and Preliminary  
15 Approval of the Joint Stipulation of Settlement of Class Actions in the *Arredondo* action, the  
16 parties request that the Court strike the status conference re: settlement on December 2, 2016,  
17 and the November 23, 2016 deadline for filing a joint report.

18 SO STIPULATED:

19 **SAVITT BRUCE & WILLEY LLP**

**MCCORMICK BARSTOW LLP**

21 By /s/ David N. Bruce (as authorized on  
22 11/18/2016)

By /s/ D. Greg Durbin (as authorized on  
23 11/18/2016)

24 David N. Bruce, *Pro Hac Vice*  
25 Miles A. Yanick, *Pro Hac Vice*

D. Greg Durbin, State Bar No. 81749  
Laura A. Wolfe, State Bar No. 266751

26 Attorneys for Delano Farms Company

Attorneys for Cal-Pacific Farm Management,  
L.P., Kern Ag Labor Management, Inc., and T&R  
Bangi’s Agricultural Services, Inc.

1 **LAW OFFICES OF WILLIAM C. HAHESY**

**MARTINEZ AGUILASOCHO & LYNCH**

2  
3 By /s/ William C. Hahey (as authorized on  
4 11/18/2016)

5 William C. Hahey, State Bar No. 105743

6 Attorney for Delano Farms Company

By /s/ Mario Martinez (as authorized on  
7 11/18/2016)

8 Mario Martinez, State Bar No. 200721

9 Thomas Patrick Lynch, State Bar No.159277

10 Attorneys for Plaintiff

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**ORDER**

Based upon the stipulation of counsel to resolve this case at the same time as the related case and in light of Judge Seng's extensive involvement facilitating that settlement, the Court

**ORDERS:**

1. The case is reassigned to Judge Seng and it is renumbered 16:cv-00907 DAD MJS<sup>1</sup>.

IT IS SO ORDERED.

Dated: November 21, 2016

/s/ Jennifer L. Thurston  
UNITED STATES MAGISTRATE JUDGE

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<sup>1</sup> The Court leaves it to Judge Seng to determine whether the status conference (Doc. 25) should remain on calendar. Likewise, Judge Seng will determine the stipulation for dismissal.