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14 UNITED STATES DISTRICT COURT
 15 EASTERN DISTRICT OF CALIFORNIA

16 STEVEN VILLARREAL, AGUSTIN
 BENITEZ, and CARLOS MORALES, on
 17 behalf of themselves and all others similarly
 situated,
 18
 19 Plaintiffs,
 20
 21 vs.
 22 PERFECTION PET FOODS, LLC, a
 California limited liability company,
 Defendant.

Case No. 1:16-cv-01661-LJO-EPG

**STIPULATION AND ORDER RE:
 DEADLINE TO FILE RESPONSE TO
 FIRST AMENDED COMPLAINT AND
 CONTINUANCE OF SCHEDULING
 CONFERENCE**

23
 24

1 I.

2 **STIPULATION**

3 Plaintiffs STEVEN VILLARREAL, AGUSTIN BENITEZ, and CARLOS MORALES
4 (collectively, "Plaintiffs") and Defendant PERFECTION PET FOODS, LLC ("Defendant")
5 hereby agree as follows:

6 1. Pursuant to a stipulation entered into by Plaintiffs and Defendant, which
7 subsequently became an Order of the above-entitled Court, Plaintiffs filed their First
8 Amended Complaint in this case on January 10, 2017 (the "FAC").

9 2. In accordance with the prior stipulation and Order of the above-entitled Court,
10 Defendant had until January 24, 2017 to file a response to the FAC.

11 3. In discussions with counsel for Plaintiffs, counsel for Defendant indicated that
12 a Motion to Compel Arbitration would be filed in response to the FAC.

13 4. Counsel for Plaintiffs agreed to review the arbitration policy and/or
14 agreements at issue and consider whether or not Plaintiffs would be agreeable to
15 stipulating to refer the above-captioned action to binding arbitration.

16 5. In order to give the parties time to discuss the issue of binding arbitration, and
17 possibly avoid the need for a Motion to Compel Arbitration to be filed, Plaintiffs agreed to
18 continue Defendant's deadline to file a response to the FAC fourteen (14) days (or until
19 February 7, 2017).

20 6. Presently, a Mandatory Scheduling Conference is set to take place in the
21 above-captioned action on February 7, 2017. The parties acknowledge that in the event
22 the purported disputes are sent to binding arbitration, there will be no need for the
23 Mandatory Scheduling Conference to take place.

24 / / /

1 **ORDER**

2 Based upon the foregoing stipulation and good cause appearing, the terms and
3 conditions set forth in the Stipulation are SO ORDERED and the Mandatory Scheduling
4 Conference in the above-entitled matter is continued to April 18, 2017 at 9:30 a.m., in
5 Courtroom 10 (EPG) before Magistrate Judge Erica P. Grosjean.

6 IT IS SO ORDERED.

7 Dated: **January 30, 2017**

8 /s/ Erica P. Grosjean
9 UNITED STATES MAGISTRATE JUDGE