| 1        | John E. Hill, State Bar #45338                                                                                                                        |                                                    |
|----------|-------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| 2        | johnhill@hill-law-offices.com Enrique Martínez, State Bar #206884                                                                                     |                                                    |
| 3        | enriquemartinez@hill-law-offices.com<br>LAW OFFICES OF JOHN E. HILL                                                                                   |                                                    |
| 4        | 333 Hegenberger Road, Ste. 500<br>Oakland, CA 94621<br>Telephone: (510) 588-1000                                                                      |                                                    |
| 5        | Facsimile: (510) 632-1445                                                                                                                             |                                                    |
| 6        | Attorneys for Plaintiffs & Putative Class                                                                                                             |                                                    |
| 7        | UNITED STATES DISTRICT COURT                                                                                                                          |                                                    |
| 8        | EASTERN DISTRICT OF CALIFORNIA                                                                                                                        |                                                    |
| 9        | ROSALIE CUEVAS, ADOLFO GOMEZ-                                                                                                                         | Case No.: 1:17-cv-00357-LJO-BAM                    |
| 10       | MORENO, REYNALDO TOLANO, and AGUSTIN AMBRIZ, on behalf of themselves                                                                                  | CLASS AND COLLECTIVE ACTION                        |
| 11<br>12 | and all others similarly situated,                                                                                                                    | STIPULATION AND ORDER TO FILE                      |
| 13       | Plaintiffs,                                                                                                                                           | FIRST AMENDED COMPLAINT                            |
| 14       | VS.                                                                                                                                                   |                                                    |
| 15       | DIAS & FRAGOSO, INC., a California                                                                                                                    |                                                    |
| 16       | Corporation; D & F AGRICULTURAL<br>ENTERPRISES, INC., a California<br>Corporation; GABRIEL M. DIAS; and JOHN<br>L. FRAGOSO,                           |                                                    |
| 17<br>18 | Defendants.                                                                                                                                           |                                                    |
| 19       | IT IC HEDEDY CTIDLII ATED by the no                                                                                                                   | utics who have appeared in this action. Disintiffs |
| 20       | IT IS HEREBY STIPULATED by the parties who have appeared in this action, Plaintiffs ROSALIE CUEVAS, ADOLFO GOMEZ-MORENO, REYNALDO TOLANO, and AGUSTIN |                                                    |
| 21       | AMBRIZ, and Defendants DIAS & FRAGOSO, INC., D & F AGRICULTURAL ENTERPRISES,                                                                          |                                                    |
| 22       | INC., GABRIEL M. DIAS, and JOHN L. FRAGOSO by and through their respective attorneys of                                                               |                                                    |
| 23       | record, that Plaintiffs may file a First Amended Complaint, a copy of which is attached hereto as                                                     |                                                    |
| 24       | Exhibit "A"                                                                                                                                           |                                                    |
| 25       | IT IS FURTHER STIPULATED that                                                                                                                         |                                                    |
| 26       | 1. Plaintiffs will file the First Amended Complaint within seven (7) calendar days of                                                                 |                                                    |
| 27<br>28 | the Court's Order permitting such filing;                                                                                                             |                                                    |
| 28       |                                                                                                                                                       |                                                    |
|          |                                                                                                                                                       |                                                    |

STIPULATION AND ORDER TO FILE FIRST AMENDED COMPLAINT

| 1  | 2. Undersigned counsel for Defendants DIAS & FRAGOSO, INC., D & F                              |  |
|----|------------------------------------------------------------------------------------------------|--|
| 2  | AGRICULTURAL ENTERPRISES, INC., GABRIEL M. DIAS, and JOHN L. FRAGOSO is                        |  |
| 3  | authorized to and will accept service of the FIRST AMENDED COMPLAINT on behalf or              |  |
| 4  | GABRIEL M. DIAS, in his individual capacity and as a partner in DIAS & FRAGOSO, INC., and      |  |
| 5  | D & F AGRICULTURAL ENTERPRISES, INC., and JOHN L. FRAGOSO, in his individua                    |  |
| 6  | capacity and as a partner in DIAS & FRAGOSO, INC., and D & F AGRICULTURAL                      |  |
| 7  | ENTERPRISES, INC.; and                                                                         |  |
| 8  | 3. Defendants' response to the First Amended Complaint will be filed within thirty             |  |
| 9  | (30) days after the First Amended Complaint is filed.                                          |  |
| 10 | IT IS SO STIPULATED.                                                                           |  |
| 11 |                                                                                                |  |
| 12 | <u>ORDER</u>                                                                                   |  |
| 13 | IT IS HEREBY ORDERED, pursuant to the Stipulation of the parties, that Plaintiffs              |  |
| 14 | ROSALIE CUEVAS, ADOLFO GOMEZ-MORENO, REYNALDO TOLANO, and AGUSTIN                              |  |
| 15 | AMBRIZ shall file a First Amended Complaint, attached to the parties stipulation (Doc. 31), by |  |
| 16 | July 31, 2018 and that Defendants DIAS & FRAGOSO, INC., D & F AGRICULTURAL                     |  |
| 17 | ENTERPRISES, INC., GABRIEL M. DIAS, and JOHN L. FRAGOSO, shall have thirty days                |  |
| 18 | thereafter to answer or otherwise respond to the First Amended Complaint filed in this matter. |  |
| 19 | IT IS SO ODDEDED                                                                               |  |
| 20 | IT IS SO ORDERED.                                                                              |  |
| 21 | Dated: July 24, 2018 /s/ Barbara A. McAuliffe                                                  |  |
| 22 | UNITED STATES MAGISTRATE JUDGE                                                                 |  |
| 23 |                                                                                                |  |
| 24 |                                                                                                |  |
| 25 |                                                                                                |  |
| 26 |                                                                                                |  |
| 27 |                                                                                                |  |
| 28 |                                                                                                |  |