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15 **UNITED STATES DISTRICT COURT**
16 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
17 **FRESNO DIVISION**

18 E. & J. GALLO WINERY, doing business
19 as SAN JOAQUIN VALLEY
20 CONCENTRATES; G3 ENTERPRISES,
21 INC. doing business as DELAWARE G3
22 ENTERPRISES, INC.; and MCD
TECHNOLOGIES INC.,

23 Plaintiffs,

24 vs.

25 INSTITUUT VOOR LANDBOUW- EN
26 VISSERIJONDERZOEK; EIGEN
27 VERMOGEN VH INSTITUUT VOOR
28 LANDBOUW- EN
VISSERIJONDERZOEK; FLANDERS'
FOOD; and DOES 1-10,

Defendants.

Case No.: 1:17-CV-00808-DAD-EPG

**NOTICE OF ANSWER DUE DATE AND
REQUEST TO CONTINUE
SCHEDULING CONFERENCE;
ORDER THEREON**

1 Pursuant to Federal Rule of Civil Procedure 4(d), Defendants Instituut voor Landbouw-
2 en Visserijonderzoek, Eigen Vermogen VH Instituut voor Landbouw- en Visserijonderzoek, and
3 Flanders' Food (collectively, "Defendants"), each of which is located in Belgium, have executed
4 a Waiver of Service of Summons. Plaintiffs filed copies of the executed waivers on July 29,
5 2017. (D.I. 14-16.) As reflected in the executed waivers, Defendants have acknowledged that,
6 pursuant to Federal Rules of Civil Procedure 4(d) and 6(a), each must file and serve an answer or
7 motion under Rule 12 no later than October 10, 2017, which is 90 days after July 11, 2017.¹

8 In light of the October 10, 2017 deadline for Defendants to file an answer or motion
9 under Rule 12 and subject to the Court's availability, Plaintiffs respectfully request that the
10 Initial Scheduling Conference, which is currently scheduled for September 19, 2017, at 9:00
11 a.m., be continued to a date after October 10, 2017.

12 Respectfully submitted,

13 Dated: August 10, 2017

STEPTOE & JOHNSON LLP

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15 By: /s/ Jamie L. Lucia
16 Jamie L. Lucia

17 *Attorneys for Plaintiffs*
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28 ¹ July 11, 2017 is the date Plaintiffs sent Defendants the request for a waiver. Pursuant to Fed. R. Civ. P. 6(a)(1)(C), the 90 day period would end on October 9, 2017, which is a legal holiday (Columbus Day), so the period continues to October 10.

1 The Court grants a continuance of the Initial Scheduling Conference currently noticed for
2 September 19, 2017, and continues it to October 31, 2017, at 10:00 a.m. A joint report shall be
3 due one full week prior to the conference.

4
5 IT IS SO ORDERED.

6 Dated: August 10, 2017

7 /s/ Eric P. Gray
8 UNITED STATES MAGISTRATE JUDGE