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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

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

Plaintiffs,

v.

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

Defendants.

Case No. 17-cv-00808-DAD-EPG

**STIPULATION AND ORDER
MODIFYING SCHEDULE FOR
RESPONSES TO COMPLAINT AND
PROPOSED AMENDED COMPLAINT**

(ECF No. 96)

Pursuant to Civil Local Rule 144 and Federal Rules of Civil Procedure 6, Plaintiffs E & J Gallo Winery, doing business as San Joaquin Valley Concentrates, G3 Enterprises, Inc., and MCD Technologies Inc. (collectively, "Plaintiffs"), and Defendants Instituut Voor Landbouw-En Visserijonderzoek and Eigen Vermogen VH Instituut Voor Landbouw-En Visserijonderzoek (together, "Defendants") hereby stipulate through their respective counsel of record as follows:

WHEREAS, Plaintiffs filed their Complaint in the above-captioned action on June 15, 2017 (Dkt. 1);

1 WHEREAS, Defendants filed their Motion to Dismiss the Complaint pursuant to Federal
2 Rule of Civil Procedure 12(b)(6) on October 17, 2017 (Dkt. 27);

3 WHEREAS, on June 1, 2018, the Court entered an order granting-in-part and denying-in-
4 part Defendants' Motion to Dismiss, which directed Plaintiffs "to file and serve any amended
5 complaint no later than thirty days from the issuance of [the] order" (Dkt. 86);

6 WHEREAS, pursuant to the Court's order on Defendants' Motion to Dismiss, Plaintiffs'
7 deadline to file an amended complaint, if any, is July 2, 2018;¹

8 WHEREAS, by stipulation of the parties (Dkt. 94), Defendants' current deadline to
9 prepare and file their responsive pleading to the Complaint is June 29, 2018;

10 WHEREAS, on June 20, 2018, Plaintiffs notified counsel for Defendants that Plaintiffs
11 intend to file an amended complaint on or before July 2, 2018, pursuant to the Court's order on
12 Defendants' Motion to Dismiss;

13 WHEREAS, the parties have agreed that it is unnecessary for Defendants to prepare and
14 file a responsive pleading to the Complaint on June 29, 2018, in view of Plaintiffs' intent to file a
15 new amended complaint three days later, which will require a separate response from Defendants
16 within fourteen days of service under Federal Rule of Civil Procedure 15(a)(3);

17 WHEREAS, in light of the Fourth of July holiday, Defendants seek additional time to
18 review and respond to any amended complaint filed by Plaintiffs; and

19 WHEREAS, the further extensions of time stipulated herein will not alter any event or
20 deadline already fixed by Court Order;

21 IT IS THEREFORE STIPULATED that:

22 1. The deadline for Defendants to file and serve a responsive pleading to the existing
23 Complaint shall be extended to July 16, 2018, which is two weeks after Plaintiffs' deadline to file
24 an amended complaint; and

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¹ Thirty days from the issuance of the Court's order is July 1, 2018, which is a Sunday, so
Plaintiffs' deadline is extended to the next court day, July 2.

1 2. If Plaintiffs file an amended complaint on or prior to July 2, 2018, Defendants'
2 deadline to file and serve a responsive pleading to the amended complaint shall be extended to
3 July 23, 2018, which is three weeks after Plaintiffs' deadline to file an amended complaint.
4

5 **IT IS SO STIPULATED:**

6 Dated: June 22, 2018

Respectfully Submitted,

KEKER, VAN NEST & PETERS LLP

8 By: /s/ Edward A. Bayley

9 JEFFREY R. CHANIN
10 MATTHEW M. WERDEGAR
11 EDWARD A. BAYLEY

12 Attorneys for Defendants
13 INSTITUUT VOOR LANDBOUW-EN
14 VISSERIJONDERZOEK and EIGEN
15 VERMOGEN VH INSTITUUT VOOR
16 LANDBOUW-EN VISSERIJONDERZOEK

17 Dated: June 22, 2018

STEPTOE & JOHNSON LLP

18 By: /s/ Stephanie Roberts (as authorized on 6/22/2018)

19 SANJEET K. DUTTA
20 JAMIE L. LUCIA
21 STEPHANIE ROBERTS

Attorneys for Plaintiffs

22 **ORDER**

23 IT IS SO ORDERED.

24 Dated: June 25, 2018

25 /s/ Eric P. Grijp
26 UNITED STATES MAGISTRATE JUDGE