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 2 James Kachmar, State Bar No. 216781  
 3 **WENIRAUB GENSHEA CHEDIAK**  
 4 Law Corporation  
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 6 Sacramento, California 95814  
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9 Attorneys for Plaintiffs  
 10 The Morning Star Packing Company,  
 11 Liberty Packing Company, LLC, California  
 12 Fruit & Tomato Kitchens, LLC, and  
 13 The Morning Star Company

14 UNITED STATES DISTRICT COURT  
 15 EASTERN DISTRICT OF CALIFORNIA

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LAW CORPORATION

13 THE MORNING STAR PACKING )  
 14 COMPANY, a California limited )  
 15 partnership; LIBERTY PACKING )  
 16 COMPANY, LLC, a California limited )  
 17 liability company; CALIFORNIA FRUIT & )  
 18 TOMATO KITCHENS, LLC, a California )  
 19 limited liability company; and THE )  
 20 MORNING STAR COMPANY, a )  
 21 California corporation, )

22 Plaintiffs, )

23 vs. )

24 SK FOODS, LP., a California limited )  
 25 partnership; SCOTT SALTER, an )  
 26 individual; RANDALL RAHAL, an )  
 27 individual; INTRAMARK USA, INC., a )  
 28 New Jersey corporation; INGOMAR )  
 PACKING COMPANY, LLC, a California )  
 limited liability company; GREG )  
 PRUETT, an individual; LOS GATOS )  
 TOMATO PRODUCTS; STUART WOOLF, )  
 an individual; ALAN HUEY, an )  
 individual; and DOES 1 through 50, )  
 inclusive, )

Defendants. )

Case No. 2:09-CV-00208 MCE-EFB

**STIPULATION REACCEPTANCE OF  
 SERVICE AND EXTENSION OF TIME TO  
 RESPOND TO FIRST AMENDED  
 COMPLAINT ORDER**

1 Plaintiffs The Morning Star Packing Company, Liberty Packing Company,  
2 LLC, California Fruit and Tomato Kitchens, LLC and The Morning Star Company  
3 (collectively, "Plaintiffs") and defendants Ingomar Packing Company, LLC, Greg  
4 Pruet, Los Gatos Tomato Products, and Stuart Wolf ("Defendants"), by and  
5 through their respective counsel of record, hereby submit the following stipulation  
6 and proposed order pursuant to Local Rule 6-144(a).

7 WHEREAS, Plaintiffs filed a first amended complaint in the above-captioned  
8 case on January 29, 2010;

9 WHEREAS, on or about March 12, 2010, counsel for Plaintiffs sent a copy of  
10 the first amended complaint to counsel for each of the Defendants and  
11 requested that each counsel accept service on behalf of their respective clients;

12 WHEREAS, following receipt of the March 10, 2010 letter from Plaintiffs'  
13 counsel, counsel for Plaintiffs and Defendants engaged in informal discussions to  
14 resolve the claims asserted by Plaintiffs against Defendants in the first amended  
15 complaint;

16 WHEREAS, counsel for the parties have concluded that Plaintiffs claims  
17 against Defendants cannot be resolved as of this time and counsel for the  
18 Defendants have agreed to accept service of the first amended complaint and  
19 summons on behalf of each of their respective clients with an effective service  
20 date of June 7, 2010;

21 WHEREAS, the parties anticipate that one or more of the Defendants may  
22 file a motion under Rule 12 of the Federal Rules of Civil Procedure in response to  
23 the first amended complaint;

24 WHEREAS, counsel for the parties have agreed to extend the time for the  
25 Defendants to respond to the first amended complaint and, in the event that any  
26 response is by way of a Rule 12 motion, that Plaintiffs shall have additional time in  
27 which to file an opposition to such motion(s); and

28 WHEREAS, this is the first extension of time to respond to the first amended

Stip. and [Proposed] Order re: Acceptance of  
Service and Ext. of Time to Respond to First  
Amended Cmplt.

1 complaint agreed to by Plaintiffs and Defendants in this matter.

2 THEREFORE, Plaintiffs and Defendants, by and through their respective  
3 counsel of record, hereby stipulate as follows:

4 1. Defendants shall agree to accept service of process including the  
5 summons and first amended complaint in this matter through their respective  
6 counsel of record with an effective date of such service being June 7, 2010;

7 2. Defendants shall file and serve a response to the first amended  
8 complaint on or before August 9, 2010; and

9 3. To the extent that one or more Defendants responds to the first  
10 amended complaint by filing a motion under Rule 12 of the FRCP, the hearing of  
11 such motion shall be set for a hearing date sufficient to allow Plaintiffs no less than  
12 45 days in which to file an opposition to such motion(s).

13 IT IS SO STIPULATED.

14 Date d: July 22, 2010

**WENTRAUB GENSHEA CHEDIAK**  
Law Corporation

16 By: /s/ - James Kachmar

17 \_\_\_\_\_  
James Kachmar  
Attorneys for Plaintiffs  
The Morning Star Packing Company,  
Liberty Packing Company, LLC,

19 California

Fruit & Tomato Kitchens, LLC, and  
The Morning Star Company

22 Date d: July 22, 2010

**BINGHAM McCUICHEN**

24 By: /s/ - Stephen Zovic kian

25 Stephen Zovic kian  
Attorneys for Defendant Ingomar  
Packing Company

26 Date d: July 22, 2010

**RAMSEY & EHRICH, LLP**

28 By: /s/ - Miles Ehrlich

Stip. and [Proposed] Order re: Acceptance of  
Service and Ext. of Time to Respond to First  
Amended Cmplt.

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Miles Ehrlich  
Attorneys for Defendant Greg Prue tt

Date d: July 22, 2010

**GIBSON, DUNN & CRUCHER**

By: /s/ - George A. Nicoud III

George A. Nicoud III  
Attorneys for Defendant Los Gatos  
Tomato Products

Date d: July 22, 2010

**COLETT, ERICKSON, FARMER & O'NEIL, LLP**

By: /s/ - William S. Farmer

Williams S. Farmer  
Attorneys for Defendant Stuart Wolf

**ORDER**

IT IS SO ORDERED.

Date d: July 26, 2010

  
MORRISON C. ENGLAND, JR.  
UNITED STATES DISTRICT JUDGE