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 18 UNITED STATES DISTRICT COURT
 19 EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION

21 The Morning Star Packing Company, et al.
 22 Plaintiffs,
 23 v.
 24 SK Foods, L.P., et al.
 25 Defendants.

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

**STIPULATION AND
 ORDER RE EXTENSION OF TIME
 TO RESPOND TO SECOND AMENDED
 COMPLAINT**

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

6 WHEREAS, Plaintiffs filed a second amended complaint in the above-captioned case on
7 December 6, 2010;

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

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

13 WHEREAS, this is the first extension of time to respond to the second amended complaint
14 agreed to by Plaintiffs and Defendants in this matter.

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

17 1. Defendants shall file and serve a response to the second amended complaint on or
18 before Friday, January 21, 2011; and

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

23 IT IS SO STIPULATED.

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