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11 Attorneys for Plaintiffs The Morning Star Packing Company,
 12 Liberty Packing Company, LLC, California Fruit & Tomato
 13 Kitchens, LLC, and The Morning Star Company

14 UNITED STATES DISTRICT COURT
 15 EASTERN DISTRICT OF CALIFORNIA

16 THE MORNING STAR PACKING COMPANY,
 17 a California limited partnership; et al.,

18 Plaintiffs,

19 vs.

20 SK FOODS, L.P., a California limited
 21 partnership; et al.

22 Defendants.

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

**STIPULATION AND ORDER TO
 CONTINUE FINAL PRETRIAL
 CONFERENCE AND RELATED
 DEADLINES**

Complaint Filed: January 22, 2009

Trial Date: No trial date set.

23 Plaintiffs The Morning Star Packing Company, Liberty Packing Company, LLC,
 24 California Fruit & Tomato Kitchens, LLC, and The Morning Star Company (collectively
 25 referred to as "Plaintiffs"); Defendants Ingomar Packing Company, LLC and Greg Pruett
 26 (collectively the "Ingomar Defendants") and Defendant Scott Salyer, by and through their
 27 counsel of record, hereby submit the following stipulation and [proposed] Order:

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WHEREAS, on June 14, 2017, the Court in its Order on certain defendants' motions for summary judgment set a final pretrial conference in this matter for August 11, 2017, with the remaining parties to file a joint final pre-trial statement due no later than July 28, 2017 (See Order, Dkt. #304, at p. 23.);

WHEREAS, previously on January 11, 2017, the Court had granted in part Plaintiffs' motion to reopen discovery (see Dkt. # 298) in which the Court ordered that certain limited discovery be permitted with a discovery "cutoff date of 180 days from the date of the Court's filing of its order on summary judgment...." (See Order, Dckt. #304, at p.13.);

WHEREAS, in accordance with the Court's January 11, 2017 Order, the Parties have calendared December 11, 2017, as the cutoff date for the limited discovery period permitted by that Order and Morning Star intends to propound interrogatories and document requests to Defendant Scott Salyer as well as take his deposition within the time frame set by the Court's Order;

WHEREAS, given that discovery remains open in this matter for another five months pursuant to the Court's January 11, 2017 Order, the Parties cannot be able to present the Court with a "final" joint pre-trial statement by July 28, 2017, and believe that it will be more efficient and economical, as well as preserving judicial resources, to allow the Parties to ensure that discovery is completed before having to prepare the joint final pre-trial statement and/or attend of the final pretrial conference.

THEREFORE, the Parties, by and through their respective counsel of record, hereby stipulate as follows:

1. The Parties request that the final pretrial conference be continued to the first available court date no earlier than 60 days after the December 11, 2017 closing of the limited discovery period, with the required joint final pre-trial statement due 14 days before the new conference date.

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1 **IT IS SO STIPULATED.**

2 Dated: July 11, 2017

WEINTRAUB TOBIN CHEDIAK COLEMAN GRODIN
Law Corporation

4 By: /s/ - James Kachmar
James Kachmar

6 Attorneys for Plaintiffs
The Morning Star Packing Company,
Liberty Packing Company, LLC, California
Fruit & Tomato Kitchens, LLC, and
The Morning Star Company

9 Dated: July 11, 2017

SEGAL & ASSOCIATES, PC

11 By: /s/ Malcom Segal
Malcolm Segal

13 Attorneys for Defendant Scott Salyer

14 Dated: July 11, 2017

MORGAN, LEWIS & BOCKIUS LLP

16 By: /s/ - Sujal J. Shah
Sujal J. Shah

18 Attorneys for Defendant
Ingomar Packing Company

19 Dated: July 11, 2017

RAMSEY & EHRLICH LLP

21 By: /s/ Miles Ehrlich
Miles Ehrlich

23 Attorneys for Defendant Greg Pruett

24 IT IS SO ORDERED. The Parties request that the final pretrial conference be
25 continued is granted. The final pretrial conference set for August 11, 2017 is vacated and
26 reset for **February 23, 2018 at 10:00** a.m. in Courtroom # 3. The parties shall confer and
27 file a joint pretrial conference statement by **February 2, 2018.**

28 DATED: July 14, 2017