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 13 **UNITED STATES DISTRICT COURT**
 14 **EASTERN DISTRICT OF CALIFORNIA**
 15 **SACRAMENTO DIVISION**

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

19 Plaintiffs,

20 v.

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

23 Defendants.

CASE NO. 2:09-CV-00208 KJM-EFB

**STIPULATION AND ORDER TO
 CONTINUE HEARING ON MOTION
 FOR RECONSIDERATION OF THE
 COURT'S SUMMARY JUDGMENT
 ORDER**

Current Date: September 8, 2017
Requested New Date: November 17, 2017
Time: 10:00 a.m.
Courtroom: 3, 15th Floor
Judge: Kimberly J. Mueller

Complaint Filed: January 22, 2009
 Trial Date: No Trial Date Set

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 26 Defendants Ingomar Packing Company, LLC and Greg Pruett (collectively the
 27 "Ingomar Defendants") and Plaintiffs The Morning Star Packing Company, Liberty Packing
 28 Company, LLC, California Fruit & Tomato Kitchens, LLC, and The Morning Star Company

1 (collectively, “Plaintiffs”), by and through their respective counsel of record, hereby submit the
2 following stipulation and proposed order pursuant to Local Rule 230(f) of the U.S. District Court,
3 Eastern District of California.

4 WHEREAS, on July 12, 2017 (Dkt. 306), Plaintiffs filed a Motion for Reconsideration of
5 the Court’s Summary Judgment Order entered on June 14, 2017 (Dkt. 304) (hereinafter, the
6 “Motion”), and parties later stipulated, and the Court approved, that the hearing for the Motion be
7 set for September 8, 2017 at 10:00 a.m. before this Court;
8

9 WHEREAS, Plaintiffs and the Ingomar Defendants are currently engaged in settlement
10 discussions;

11 WHEREAS, a settlement between Plaintiffs and the Ingomar Defendants will moot the
12 Motion as it applies to the Ingomar Defendants;

13 WHEREAS, continuing the hearing to allow for settlement discussions between Plaintiffs
14 and the Ingomar Defendants is in the interest of judicial economy and will conserve judicial and
15 party resources;

16
17 WHEREAS, having a single hearing on the Motion is also in the interest of judicial
18 economy and will conserve judicial and party resources;

19 WHEREAS, counsel for Los Gatos Tomato Products and Stuart Woolf (the “Los Gatos
20 Defendants”) has indicated that the Los Gatos Defendants take no position on this stipulation;

21 WHEREAS, subject to court approval, Plaintiffs and the Ingomar Defendants have agreed
22 to continue the September 8, 2017 hearing to November 17, 2017
23

24 WHEREAS, the Los Gatos Defendants do not oppose such a continuance;

25 WHEREAS, consistent with the proposed November 17, 2017 hearing date, the parties
26 have also agreed to a briefing schedule for the Motion.

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

1 1. The current September 8, 2017 hearing date scheduled for the Motion for
2 Reconsideration of the Court's Summary Judgment Order shall be continued to November 17,
3 2017 at 10:00 a.m.

4 2. The deadline for the Los Gatos Defendants and the Ingomar Defendants to file and
5 serve an opposition to the Motion shall be no later than October 27, 2017;

6 3. The deadline for Plaintiffs to file and serve a Reply to the opposition to the Motion
7 shall be on or before November 10, 2017.

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9 **IT IS SO STIPULATED:**

10 Dated: August 14, 2017

MORGAN LEWIS AND BOCKIUS, LLP

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12 By: /s/ Sujal Shah
13 Sujal Shah
14 Attorneys for Defendant
15 Ingomar Packing Company

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17 Dated: August 14, 2017

RAMSEY & EHRlich LLP

18 By: /s/ Miles Ehrlich (as authorized on August 11, 2017)
19 Miles Ehrlich
20 Attorneys for Defendant Gregory R. Pruett

21
22 Dated: August 14, 2017

**WEINTRAUB TOBIN CHEDIAK COLEMAN
GRODIN Law Corporation**

23 By: /s/ Dale C. Campbell (as authorized on August 11, 2017)
24 Dale C. Campbell
25 Attorneys for All Plaintiffs

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27 **IT IS SO ORDERED.**

28 Dated: August 16, 2017.


UNITED STATES DISTRICT JUDGE