

1 Dale C. Campbell, State Bar No. 99173  
 2 James Kachmar, State Bar No. 216781  
 3 W. Scott Cameron, State Bar No. 229828  
 WEINTRAUB GENSHLEA CHEDIAK  
 4 Law Corporation  
 400 Capitol Mall, 11th Floor  
 5 Sacramento, California 95814  
 (916) 558-6000 – Main  
 (916) 446-1611 – Facsimile

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

9  
 10 UNITED STATES DISTRICT COURT  
 11 EASTERN DISTRICT OF CALIFORNIA

12  
 13 THE MORNING STAR PACKING )  
 COMPANY, a California limited )  
 14 partnership; LIBERTY PACKING )  
 COMPANY, LLC, a California limited )  
 15 liability company; CALIFORNIA FRUIT & )  
 TOMATO KITCHENS, LLC, a California )  
 16 limited liability company; and THE )  
 MORNING STAR COMPANY, a )  
 17 California corporation, )

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

) STIPULATION AND ORDER VACATING  
 ) THE HEARING DATE OF DEFENDANT  
 ) SCOTT SALYER’S MOTION TO DISMISS  
 ) AND EXTENSION OF TIME TO RESPOND  
 ) TO AMENDED COMPLAINT

18 Plaintiffs,

19 vs.

20 SK FOODS, L.P., a California limited )  
 partnership; SCOTT SALYER, an )  
 21 individual; RANDALL RAHAL, an )  
 individual; INTRAMARK USA, INC., a )  
 22 New Jersey corporation; and DOES 1 )  
 through 50, inclusive, )

23 Defendants.  
 24 )

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LAW CORPORATION



1 agree.

2 WHEREAS, Salyer re-filed his motion to dismiss complaint on November 11,  
3 2009 and set his motion for hearing on December 17, 2009.

4 / / /

5 WHEREAS, on November 13, 2009, the Court *sua sponte* vacated the  
6 hearing on Salyer's motion to dismiss and advanced the hearing to December  
7 10, 2009.

8 WHEREAS, Plaintiffs and Salyer have agreed to vacate the hearing of  
9 Salyer's motion to dismiss currently scheduled for December 10, 2009 so that  
10 Plaintiffs may file an amended complaint as is permitted as a matter of course  
11 under Rule 15(a)(1)(A) of the Federal Rules of Civil Procedure and thereby render  
12 Salyer's motion to dismiss moot.

13 WHEREAS, Salyer has agreed to vacate the hearing of his motion to dismiss  
14 in exchange for Plaintiffs agreeing to extend the time for him to answer or  
15 otherwise respond to the amended complaint, which Plaintiffs have agreed to  
16 do.

17 THEREFORE, Plaintiffs and Salyer, by and through their counsel of record,  
18 hereby stipulate as follows:

19 1. The hearing on Salyer's motion to dismiss currently set for December  
20 10, 2009 is vacated;

21 2. Plaintiffs shall have until December 31, 2009 in which to file an  
22 amended complaint; and

23 3. Salyer shall have until February 5, 2010 in which to answer or  
24 otherwise respond to Plaintiffs' amended complaint.

25 IT IS SO STIPULATED.

26 Dated: November 24, 2009

WEINTRAUB GENSHLEA CHEDIK  
Law Corporation

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By: /s/ James Kachmar

Stip. and [Proposed] Order Vac. Hrg. Date re  
Mot. to Dismiss and Ext. of Time to Resp. to  
Amended Cmplt.

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California

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

Dated: November 24, 2009

SEGAL & KIRBY LLP

By:           /s/ Malcolm S. Segal          


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Malcolm S. Segal  
Attorneys for Defendant Scott Salyer

ORDER

IT IS SO ORDERED.

DATED: 11/30/2009

  
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MORRISON C. ENGLAND, JR.  
UNITED STATES DISTRICT JUDGE