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- and -

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Counsel for Plaintiffs and the Proposed Class
 (additional counsel listed on signature page)

UNITED STATES DISTRICT COURT**EASTERN DISTRICT OF CALIFORNIA**

L'OTTAVO RISTORANTE, DANIEL
 HARVEY and SYLVIE HIE on behalf of
 themselves and all others similarly situated,

Plaintiffs,

v.

INGOMAR PACKING COMPANY, LOS
 GATOS TOMATO PRODUCTS,
 INTRAMARK USA, INC. and RANDALL
 LEE RAHAL,

Defendants.

Civil No. 09-CV-01945 (MCE) (EFB)

**STIPULATION AND ORDER REGARDING
 DEFENDANTS' ACCEPTANCE OF SERVICE
 OF PLAINTIFFS' COMPLAINT AND
 SUMMONS AND DEFENDANTS' TIME TO
 RESPOND TO COMPLAINT**

1 Plaintiffs L'Ottavo Ristorante, Daniel Harvey and Sylvie Hie ("Plaintiffs") and
2 Defendants Ingomar Packing Company, Los Gatos Tomato Products, Intramark USA, Inc. and
3 Randall Lee Rahal (collectively "Defendants"), through their undersigned counsel, hereby agree
4 and stipulate to the following:

5 WHEREAS, Plaintiffs filed the above-captioned action against Defendants on May 22,
6 2009;

7 WHEREAS, each and every of the Defendants hereby accepts service of the complaint
8 and summons in the above-captioned action through their undersigned attorneys;

9 WHEREAS, on June 5, 2009 Plaintiffs filed a motion to relate the above captioned action
10 to the action of *Four in One Company v. S.K. Foods, L.P.*, 08-cv-03017 ("*Four in One Action*")
11 and transfer the above-captioned action to the Honorable Morrison C. England, Jr. of the Eastern
12 District of California who is currently presiding over *Four in One Action*;

13 WHEREAS, on July 16, 2009 the Court granted Plaintiffs' Motion to Transfer to the
14 Honorable Morrison C. England, Jr.; and

15 WHEREAS, Plaintiffs intend to file an amended complaint;

16 The Parties hereby stipulate and agree to the following:

- 17 1. Defendants' response is not due until the later of: (a) the deadline for their
18 response in the *Four in One Action* or (b) 45 days after the filing of Plaintiffs'
19 amended complaint in the above-captioned action;
 - 20 2. If any other action is filed asserting indirect purchaser claims based on allegations
21 similar to those asserted in the above-captioned action ("*Tag-Along Action*"),
22 Defendants shall respond to the above-captioned action prior to or simultaneously
23 with responding to the Tag-Along Action, even if it requires Defendants to
24 respond prior to the time stated in section 1 above; and
 - 25 3. No Party may modify the Pretrial Scheduling Order without prior court approval
26 and based upon good cause.
- 27
28

AGREED TO AND STIPULATED BY:

REESE RICHMAN LLP

/s/ Michael R. Reese

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*Counsel for Defendants Intramark USA, Inc. and
Randall Lee Rahal*

IT IS SO ORDERED.

DATED: September 1, 2009


MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE