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10 Attorneys for Defendant ALMOND BOARD OF CALIFORNIA

11 Please refer to signature page for additional parties

12
 13 **UNITED STATES DISTRICT COURT**
 14 **EASTERN DISTRICT OF CALIFORNIA**

15 SUSI MCFARLAND,

16 Plaintiff,

17 vs.

18
 19 ALMOND BOARD OF CALIFORNIA; TIM
 20 BIRMINGHAM, an individual, and DOES 1
 to 100, inclusive,

21 Defendants.

Case No.: 2:12-CV-02778-JAM-CKD

22
STIPULATION AND ORDER
REGARDING FILING OF JOINT
STATUS REPORT

23 WHEREAS, on November 13, 2012, the Court ordered the parties to meet and confer
 24 and submit a Joint Status Report within 60 days of service of the complaint on any party; and

25 WHEREAS, on January 14, 2013, Defendant ALMOND BOARD OF CALIFORNIA
 26 filed a Petition to Compel Arbitration and To Stay Entire Action (“Petition to Compel
 27 Arbitration”), and requested that a hearing on the matter be held on April 3, 2013 at 9:30 a.m.
 28 in Courtroom 6; and

1 WHEREAS, on January 17, 2013, Defendant TIM BIRMINGHAM filed a Joinder in
2 Defendant ALMOND BOARD OF CALIFORNIA's Petition to Compel Arbitration ("Joinder
3 in Petition to Compel Arbitration"); and

4 WHEREAS, the parties mutually wish to defer submitting the Joint Status Report until
5 a date after the Court makes a ruling on the Petition to Compel Arbitration and Joinder in
6 Petition to Compel Arbitration,

7 THEREFORE, IT IS HEREBY STIPULATED AND AGREED as follows:

8 The parties, by and through their attorneys of record, agree to postpone the filing of the
9 Joint Status Report until the Court makes a ruling on Defendants' Petition to Compel
10 Arbitration and Joinder in Petition to Compel Arbitration. In the event the Court denies either
11 the Petition to Compel Arbitration or the Joinder in Petition to Compel Arbitration or both, the
12 parties will meet and confer and file a Joint Status Report within 21 days of the Court's final
13 order.

14 DATED: January 28, 2013

Shimoda Law Corp.

15 By: /s/ Galen T. Shimoda

Galen T. Shimoda

16 Attorney for Plaintiff SUSI MCFARLAND

17 DATED: January 26, 2013

Atkinson, Andelson, Loya, Ruud & Romo

18 By: /s/ Howard A. Sagaser

19 Howard A. Sagaser (Cal. State Bar No.72492)

(As authorized on January 26, 2013)

20 Attorney for Defendant ALMOND BOARD
21 OF CALIFORNIA

22 DATED: January 28, 2013

Prout LeVangie

23 By: /s/ Michael Baytosh

24 Michael Baytosh (Cal. State Bar No.176189)

(As authorized on January 28, 2013)

25 Attorney for Defendant TIM BIRMINGHAM

Prout LeVangie

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1 **IT IS SO ORDERED.**

2 Dated: 1/29/2013

3 /s/ John A. Mendez
4 John A. Mendez
5 U.S. DISTRICT COURT JUDGE

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