

1 Effie F. Anastassiou, Esq. (SBN 96279)
 ANASTASSIOU & ASSOCIATES
 2 242 Capitol Street
 Post Office Box 2210
 3 Salinas, California 93902
 Telephone: (831) 754-2501
 4 Facsimile: (831) 754-0621

5 Attorneys for Plaintiff,
 TAT TOHUMCULUK A. S.

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 9 **IN THE UNITED STATES DISTRICT COURT**
 10 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

11 TAT TOHUMCULUK A. S., a Turkish)
 company,)
 12)
 Plaintiff,)
 13)
 v.)
 14)
 H.J. HEINZ COMPANY, a Pennsylvania)
 15 corporation registered to do business in)
 California, and HEINZSEED, a division of)
 16 H.J. HEINZ COMPANY ,)
 17 Defendants.)

CASE NO. 2:13-cv-00773-WBS-KJN

**STIPULATION AND [PROPOSED] ORDER
 TO FILE FIRST AMENDED COMPLAINT
 AND TO WITHDRAW MOTION TO
 DISMISS**

Current Hearing Information:
Date: August 12, 2013
Time: 2:00 p.m.
Courtroom: 5

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 19 WHEREAS, on May 30, 2013 Defendants H. J. HEINZ COMPANY L.P., erroneously sued as
 20 "H. J. Heinz Company" and HEINZSEED, an unincorporated division of H.J. HEINZ COMPANY L.P.
 21 (collectively, "Defendants") filed their Motion of Defendant to Dismiss Complaint of Plaintiff (the
 "Motion");¹

22 WHEREAS, the Motion is currently scheduled to be heard on August 12, 2013;

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 24 WHEREAS, in response to the Motion, Plaintiff TAT TOHUMCULUK A. S. ("Plaintiff") and
 25 Defendants have mutually agreed to stipulate to allow Plaintiff to file a First Amended Complaint (the
 "FAC") in order to set forth more details concerning its allegations against Defendants;

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 27 WHEREAS, based on such stipulation, Defendants have agreed to withdraw the current Motion;

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¹ ECF No. 12.

1 WHEREAS, counsel for Defendants and for Plaintiff wish to stipulate to set a deadline for filing
2 of the FAC and to set a deadline for Defendants to file an Answer to the FAC, or in the alternative, a
3 Motion to Dismiss the FAC;

4 WHEREAS, counsel for Defendants and Plaintiff wish to stipulate to move the Case
5 Management Conference currently scheduled for September 30, 2013 to November 18, 2013, or the
6 first date available to the Court thereafter, in order to resolve the pleadings before the date of the Case
7 Management Conference, and to exchange voluntary disclosures on or before the last day to file the
8 Joint Status Report;

9 THEREFORE, IT IS HEREBY STIPULATED between counsel for Plaintiff and counsel for
10 Defendants, subject to approval by the Court, that:

11 1. The current Motion is withdrawn and the hearing currently scheduled for August 12,
12 2013 is vacated;

13 2. The last day for Plaintiff to file its FAC is July 29, 2013;

14 3. The last day for Defendants to file an Answer, or in the alternative, a Motion to Dismiss
15 the FAC is August 26, 2013;

16 4. The last day for Plaintiff to file an Opposition to the Motion to Dismiss the FAC is
17 September 23, 2013;

18 5. The last day for Defendants to file a Reply to the Opposition to the Motion to Dismiss is
19 October 7, 2013;

20 6. The hearing on the Motion to Dismiss the FAC will be scheduled for October 21, 2013,
21 at 2:00 p.m. in Dept. 5, or as soon thereafter as is convenient for the Court; and

22 7. The initial Case Management Conference currently scheduled for September 30, 2013 at
23 2:00 p.m. is continued to November 18, 2013 at 2:00 p.m., or the first date available to the Court
24 thereafter, with the voluntary disclosures to be exchanged by the parties on or before the last day to file
25 the Joint Status Report.

26 SO STIPULATED.

1 Dated: July 9, 2013

ANASTASSIOU & ASSOCIATES

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3 By: /s/ Effie F. Anastassiou

4 Effie F. Anastassiou, Esq.
Attorneys for Plaintiff,
TAT TOHUMCULUK A. S.

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6 Dated: July 9, 2013

REED SMITH LLP

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8 By: /s/ David S. Reidy

9 David S. Reidy, Esq.
Attorneys for Defendants,
H. J. HEINZ COMPANY L.P., erroneously sued as
10 "H. J. Heinz Company" and HEINZSEED, an
unincorporated division of H.J. HEINZ
11 COMPANY, L.P.

12
13 **ORDER**

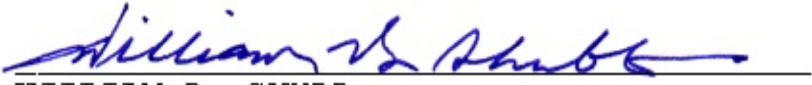
14 Pursuant to the foregoing stipulation of the parties, IT IS SO ORDERED AS FOLLOWS:

- 15 1. The current Motion is withdrawn and the hearing currently scheduled for August 12,
16 2013 is vacated;
- 17 2. The last day for Plaintiff to file its FAC is July 29, 2013;
- 18 3. The last day for Defendants to file an Answer, or in the alternative, a Motion to Dismiss
19 the FAC is August 26, 2013;
- 20 4. The last day for Plaintiff to file an Opposition to the Motion to Dismiss the FAC is
21 September 23, 2013;
- 22 5. The last day for Defendants to file a Reply to the Opposition to the Motion to Dismiss is
23 October 7, 2013;
- 24 6. Upon filing and proper notice, the hearing on the Motion to Dismiss the FAC will be
25 scheduled for October 21, 2013, at 2:00 p.m. in Dept. 5; and

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7. The initial Case Management Conference currently scheduled for September 30, 2013 at 2:00 p.m. is continued to November 25, 2013 at 2:00 p.m., with the voluntary disclosures to be exchanged by the parties on or before the last day to file the Joint Status Report. The Joint Status Report shall be filed no later than November 12, 2013.

Dated: July 10, 2013


WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE