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7 COOPERATIVE REGIONS OF ORGANIC
8 PRODUCER POOLS

9 UNITED STATES DISTRICT COURT
10 EASTERN DISTRICT OF CALIFORNIA
11 FRESNO DIVISION

12 COOPERATIVE REGIONS OF ORGANIC
13 PRODUCER POOLS, a Wisconsin Stock
14 Cooperative,

14 Plaintiff,

15 v.

16 STUEVE'S CERTIFIED ORGANIC DAIRY, a
17 California business entity of unknown form;
18 LLOYD L. STUEVE, individually and doing
19 business as Stueve's Certified Organic Dairy;
20 GAGE STUEVE, individually and doing
21 business as Stueve's Certified Organic Dairy;
22 and DOES 1 through 50, inclusive,

20 Defendants.

Case No. 1:14-cv-01123-GEB-SKO

**JOINT STIPULATION TO MODIFY
BRIEFING SCHEDULE ON
PLAINTIFF'S MOTION FOR
PRELIMINARY INJUNCTION;
[PROPOSED] ORDER**

1 **JOINT STIPULATION TO MODIFY BRIEFING SCHEDULE ON PLAINTIFF'S**
2 **MOTION FOR PRELIMINARY INJUNCTION**

3 **TO THE COURT, ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

4 **PLEASE TAKE NOTICE THAT** Plaintiff Cooperative Regions of Organic Producer
5 Pools ("CROPP Cooperative") and Defendants Stueve's Certified Organic Dairy, Lloyd L.
6 Stueve, and Gage Stueve (collectively, "Defendants") respectfully submit this Joint Stipulation
7 To Modify Briefing Schedule On Plaintiff's Motion For Preliminary Injunction ("Joint
8 Stipulation"). This Stipulation is submitted pursuant to Local Rules of the United States District
9 Court for the Eastern District of California, Rules 143 and 144.

10 CROPP Cooperative and Defendants hereby Stipulate and agree as follows:

11 Whereas, on July 16, 2014, CROPP Cooperative filed the Verified Complaint in this
12 action. (Dkt. No. 1.)

13 Whereas, on July 24, 2014, CROPP Cooperative filed an *Ex Parte* Application For A
14 Temporary Restraining Order and Order To Show Cause re Preliminary Injunction. (Dkt. No. 7.)

15 Whereas, on August 5, 2014, CROPP Cooperative filed an *Ex Parte* Application For
16 Order Shortening Time, seeking "shorten[ed] time for further briefing and the hearing" on its
17 Motion for Preliminary Injunction, which it seeks to have heard expeditiously. (Dkt. No. 15.)

18 Whereas, on August 5, 2014, the Court issued an Order granting CROPP Cooperative's
19 *Ex Parte* Application For Order Shortening Time, ordering, among other things, as follows:

20 1. Plaintiff's ex parte application for a temporary restraining order and
21 order to show cause re preliminary injunction and its supporting papers, which
22 includes the papers filed on 8/5/2014, shall be considered on an expedited basis as
a motion for a preliminary injunction. (Dkt. Nos. 7, 15.)

23 2. Defendants shall file opposition papers, if any, on or before 12:00 p.m.
24 on Monday, August 11, 2014.

25 3. CROPP Cooperative shall file reply papers, if any, on or before 12:00
26 p.m. on Wednesday, August 13, 2014.

27 4. A hearing on this matter is scheduled to commence at 9:00 a.m. on
28 Wednesday, August 20, 2014.

(Dkt. No. 16, p. 2:3-2:13.)

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Whereas, on August 7, 2014, Defendants filed a letter with the Court seeking certain relief. (Dkt. No. 19.)

Whereas, Defendants *do not intend to withdraw* their letter of August 7, 2014 by this Joint Stipulation. (Dkt. No. 19.)

Whereas, CROPP Cooperative *expressly objects* to Defendants' letter of August 7, 2014 as an improper filing that does not meet the requirements of the applicable Federal Rules of Civil Procedure and Local Rules.

Whereas, CROPP Cooperative and Defendants intend to engage in settlement discussions and therefore agree that modification of the briefing schedule in the Court's August 5, 2014 Order is appropriate.

Based on the foregoing, CROPP Cooperative and Defendants, by and through their undersigned counsel, stipulate and agree to a request for an Order modifying the briefing schedule in the Court's Order of August 5, 2014 as follows:

Defendants shall file opposition papers, if any, on or before 12:00 p.m. on Friday, August 15, 2014.

CROPP Cooperative shall file reply papers, if any, on or before 12:00 p.m. on Monday, August 18, 2014.

A hearing on CROPP Cooperative's Motion for Preliminary Injunction (Dkt. Nos. 7, 15) shall be commenced at 9:00 a.m. on Wednesday, August 20, 2014.

Assuming it is convenient for the Court, CROPP Cooperative and Defendants respectfully request that the Court adopt this modified briefing schedule as the Order of the Court.

[signatures on the following pages]

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Dated: August 8, 2014

STOEL RIVES LLP

By: /s/ Melissa A. Jones
MELISSA A. JONES
BAO M. VU
Attorneys for Plaintiff COOPERATIVE
REGIONS OF PRODUCER POOLS

Dated: August 8, 2014

QIAN & NEMECEK

By: /s/ David P. Nemecek
(as authorized on August 8, 2014)
DAVID P. NEMECEK, JR.
Attorneys for Defendants STUEVE'S
CERTIFIED ORGANIC DAIRY; LLOYD
L. STUVE; and GAGE STUEVE

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[PROPOSED] ORDER

Upon review of the Joint Stipulation, and for good cause appearing, the Court GRANTS CROPP Cooperative and Defendants' request. The Court's August 5, 2014 Order is hereby modified as follows, and only as follows:

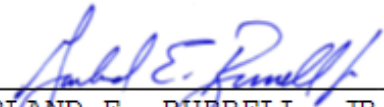
Defendants shall file opposition papers, if any, on or before 12:00 p.m. on Friday, August 15, 2014.

CROPP Cooperative shall file reply papers, if any, on or before 12:00 p.m. on Monday, August 18, 2014.

A hearing on CROPP Cooperative's Motion for Preliminary Injunction (Dkt. Nos. 7, 15) shall be commenced at 9:00 a.m. on Wednesday, August 20, 2014.

IT IS SO ORDERED.

Dated: August 8, 2014



GARLAND E. BURRELL, JR.
Senior United States District Judge