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 MILK PROCESSOR BOARD

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 7 **UNITED STATES DISTRICT COURT**  
 8 **EASTERN DISTRICT OF CALIFORNIA**  
 9

10 FOOD MARKET MERCHANDISING, INC.,

11 Plaintiff,

12 v.

13 CALIFORNIA MILK PROCESSOR  
 BOARD,

14  
 15 Defendant.

**CASE NO. 2:15-cv-01083-TLN-CKD**

**STIPULATION TO CONTINUE  
 HEARINGS ON MOTIONS TO DISMISS  
 FIRST AMENDED ANSWER AND  
 COUNTERCLAIMS OF CALIFORNIA  
 MILK PROCESSOR BOARD**

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 17 CALIFORNIA MILK PROCESSOR BOARD,

18 Counterclaimant,

19 v.

20  
 21 FOOD MARKET MERCHANDISING, INC.;  
 22 MAGIC STRAWS, LLC; REACH  
 COMPANIES, LLC; and JON TOLLEFSON

23  
 24 Counterdefendants.

KNOX, LEMMON & ANAPOLSKY, LLP  
 300 CAPITOL MALL, SUITE 1125, SACRAMENTO, CA 95814

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**INTRODUCTION**

1  
2 Pursuant to Rule 230(f) of the Local Rules of the United States District Court for the Eastern  
3 District of California, Plaintiff/Counterdefendant FOOD MARKET MERCHANDISING, INC.,  
4 Counterdefendants MAGIC STRAWS, LLC, REACH COMPANIES, LLC, JON TOLLEFSON  
5 (collectively, “Counterdefendants”), and Defendant/Counterclaimant CALIFORNIA MILK  
6 PROCESSOR BOARD, an instrumentality existing under the laws of the State of California and the  
7 regulations promulgated by the California Department of Food and Agriculture (“CMPB”)  
8 (collectively, the “Parties”) would like to continue the hearings on (1) the Motion of Counterdefendant  
9 Magic Straws, LLC to Dismiss California Milk Processor Board’s Counterclaims and (2) the Motion of  
10 Counterdefendants Food Market Merchandising, Inc., Reach Companies, LLC, and Jon Tollefson to  
11 Dismiss California Milk Processor Board’s Counterclaims. Both Motions are presently set for  
12 September 24, 2015. The Parties would like to continue both Motions to October 8, 2015, in  
13 Courtroom 2, 15th floor, of the United States District Court for the Eastern District of California.  
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16 The Parties believe these continuances are necessary to give CMPB sufficient time to complete  
17 its draft Second Amended Answer and Counterclaims to address the alleged deficiencies raised by both  
18 Motions to Dismiss and to thereafter give Counterdefendants sufficient time to review the draft Second  
19 Amended Answer and Counterclaims before deciding whether to stipulate to allow CMPB to file its  
20 Second Amended Answer and Counterclaims subject to the Counterdefendants’ reservation of rights to  
21 file a motion to dismiss all or part of the Second Amended Counterclaim.  
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**STIPULATION**

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2 The parties, by and through their attorneys of record, hereby stipulate that the hearings on (1)  
3 the Motion of Counterdefendant Magic Straws, LLC to Dismiss California Milk Processor Board's  
4 Counterclaims and (2) the Motion of Counterdefendants Food Market Merchandising, Inc., Reach  
5 Companies, LLC, and Jon Tollefson to Dismiss California Milk Processor Board's Counterclaims,  
6 presently set for September 24, 2015, be continued to October 8, 2015, in Courtroom 2, 15th floor, of  
7 the United States District Court for the Eastern District of California.  
8

9 Dated: August 18, 2015

KNOX, LEMMON & ANAPOLSKY, LLP

10 By: /s/  
11 STEPHEN J. BYERS, Attorneys for  
12 CALIFORNIA MILK PROCESSOR BOARD

13 Dated: August 18, 2015

PETER E. GLICK, ATTORNEY AT LAW

14 By: /s/ (as authorized on 8/18/15)  
15 PETER E. GLICK, Attorney for  
16 Magic Straws, LLC

17 Dated: August 18, 2015

**WEINTRAUB TOBIN CHEDIAK COLEMAN**  
GRODIN Law Corporation

19 By: /s/ (as authorized on 8/18/15)  
20 DALE C. CAMPBELL, Attorneys for Food  
21 Market Merchandising, Inc., Reach Companies,  
22 LLC and Jon Tollefson  
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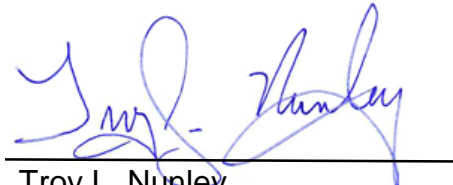
**ORDER**

Upon consideration of the Parties' "Stipulation to Continue Hearings on Motions to Dismiss First Amended Answer and Counterclaims of California Milk Processor Board" and finding that good cause is shown, it is hereby ORDERED that the Parties' request is GRANTED.

It is further ORDERED that the hearings on (1) the Motion of Counterdefendant Magic Straws, LLC to Dismiss California Milk Processor Board's Counterclaims and (2) the Motion of Counterdefendants Food Market Merchandising, Inc., Reach Companies, LLC, and Jon Tollefson to Dismiss California Milk Processor Board's Counterclaims, presently set for September 24, 2015, are continued to October 8, 2015, in Courtroom 2, 15th floor, of the United States District Court for the Eastern District of California.

IT IS SO ORDERED.

Dated: August 24, 2015



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Troy L. Nunley  
United States District Judge