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10 Attorneys For Plaintiffs  
11 FRESHERIZED FOODS, INC. and  
12 AVOMEX, INC.

13  
14 IN THE UNITED STATES DISTRICT COURT  
15  
16 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
17

18 FRESHERIZED FOODS, INC. and ) CIVIL ACTION NO.  
19 AVOMEX, INC. ) CV 10 3207 BZ  
20 )  
21 Plaintiffs, ) **STIPULATION & ORDER**  
22 v. ) **REGARDING FIRST**  
23 ) **AMENDED COMPLAINT**  
24 CONTINENTAL CASUALTY COMPANY, )  
25 )  
26 Defendant. )

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Fresherized Foods, Inc., Avomex, Inc., and Continental Casualty Company  
hereby stipulate as follows:

1. Fresherized Foods, Inc. and Avomex, Inc. may file the attached proposed first amended complaint without the necessity of making a motion to file that proposed amended complaint.
2. Avomex, Inc. hereby stipulates to having the case assigned to and heard by a magistrate judge and to engage in Early Neutral Evaluation, as previously stipulated by

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Fresherized Foods, Inc.

3. The attached proposed first amended complaint shall be deemed to be filed and served upon entry of the Order on this stipulation.

4. Continental Casualty Company stipulates to filing its responsive pleading within ten (10) days following the filing and service of the proposed amended complaint.

Dated: March 3, 2011

WILD, CAREY & FIFE

By: Terence Kenney  
PAUL D. FIFE  
TERENCE H. KENNEY  
Attorneys For Plaintiffs

Dated: March 7, 2011

COLLIAU ELENUS MURPHY  
CARLUCCIO KEENER & MORROW

By: Robert Christensen  
ROBERT C. CHRISTENSEN  
Attorneys for Defendant  
CONTINENTAL CASUALTY COMPANY

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**ORDER**

Based on the above stipulation of the parties, and good cause appearing,

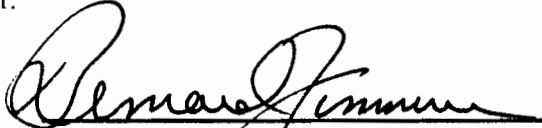
IT IS HEREBY ORDERED:

1. Fresherized Foods, Inc. and Avomcx, Inc. may file the attached proposed first amended complaint without the necessity of making a motion to file that proposed amended complaint.

2. The First Amended Complaint should be deemed to be filed and served upon entry of this Order.

3. Continental Casualty Company shall file its responsive pleading within ten (10) days following entry of this Order.

Dated: 8 March '11

  
BERNARD ZIMMERMAN  
Magistrate Judge