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 Natural Selections Foods, LLC

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 8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10 SAN FRANCISCO DIVISION

12 DENNIS BICEK, individually and on behalf
 of all other member of the general public
 13 similarly situated, and on behalf of aggrieved
 employees pursuant to the Private Attorney
 14 General Act (“PAGA”),

15 Plaintiff,

16 v.

17 C&S WHOLESALE GROCERS, INC., a
 Vermont Corporation; TRACY LOGISTICS,
 18 LLC, an unknown business entity, and DOES
 1-100 inclusive,

19 Defendants.
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Case No. 3:13-mc-80130 RS

Eastern District of California
 Case No. 2:13-cv-00411-MCE-KJN

**STIPULATION AND [~~PROPOSED~~] ORDER
 TO CHANGE TIME**

Courtroom: A -15th Floor
 Judge: Hon. Magistrate Judge
 Nathanael M. Cousins

21
 22 WHEREAS, pursuant to Local Rules 6-2 and 7-12, Third-Party Natural Selection Foods,
 23 LLC, d/b/a Earthbound Farm (“Earthbound”), Plaintiff Dennis Bicek (“Plaintiff”), and
 24 Defendants C&S Wholesale Grocers, Inc. and Tracy Logistics, LLC (“Defendants”) submit this
 25 Stipulation and Proposed Order to amend the briefing schedule regarding pending motions to
 26 quash a subpoena served on Earthbound by Defendants. This Stipulation and Proposed Order is
 27 supported by the Declaration of Joshua O. Mates ISO this Stipulation and Proposed Order to
 28 Change Time (“Mates Decl.”).

1 WHEREAS, on June 6, 2013, Defendants served Earthbound with a Subpoena To Produce
2 Documents, Information, Or Objects Or to Permit Inspection of Premises in a Civil Action (the
3 “Subpoena”) issued from this Court, and served notice of the Subpoena on Plaintiff.

4 WHEREAS, Plaintiff filed an amended motion to quash the Subpoena on June 21, 2013 in
5 this Court. (Dkt. 5) (“Amended Plaintiff Dennis Bicek’s Notice of Motion and Motion to Quash
6 Defendants’ Subpoena to Earthbound Farm Organic, LLC; Memorandum of Points and
7 Authorities in Support Thereof”) (“Plaintiff’s Motion”).

8 WHEREAS, Earthbound is filing a motion to quash the Subpoena on July 3, 2013 in this
9 Court. (“Third-Party Natural Selection Foods, LLC’s Notice of Motion and Motion to Quash
10 Defendants’ Subpoena; Memorandum Of Points And Authorities In Support Thereof”)
11 (“Earthbound’s Motion”).

12 WHEREAS, Earthbound’s Motion and Plaintiff’s Motion concern the same Subpoena
13 (and the same documents requested to be produced pursuant to the Subpoena), and any responses
14 to such motions filed by Defendants, as well as any subsequent replies filed by Plaintiff and
15 Earthbound, will concern the same Subpoena and requested documents.

16 WHEREAS, the Court has set deadlines with respect to Plaintiff’s Motion that require
17 responses to be filed by July 5, 2013 and replies to be filed by July 12, 2013.

18 WHEREAS, the Court has scheduled a date for Plaintiff’s Motion to be heard on July 24,
19 2013 at 1:00 P.M. (Dkt. 7.)

20 WHEREAS, it is in the interests of judicial efficiency and reflects the best use of all
21 parties’ time for the Court to hear these matters at the same time.

22 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between
23 the parties hereto, by their undersigned attorneys, that:

24 1. The briefing schedule for Defendants’ responses to Plaintiff’s Motion and Earthbound’s
25 Motion will be modified such that any such responses must be filed on or before July 12, 2013;

26 2. The briefing schedule for Earthbound and Plaintiff’s replies to Defendants’ responses,
27 if any, will be modified such that any such replies must be filed on or before July 19, 2012; and

28 ///

1 3. The hearing date for Plaintiff's Motion and Earthbound's Motion will be scheduled to
2 occur on July 31, 2013, at 1:00 p.m.

3 **IT IS SO STIPULATED.**

4 Dated: July 3, 2013

COOLEY LLP
JOSHUA O. MATES (221068)

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7 /s/ Joshua O. Mates
Joshua O. Mates (221068)
Attorneys for Third-Party

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9
10 Dated: July 3, 2013

LAWYERS FOR JUSTICE, PC
JILL J. PARKER (274230)

11
12 /s/ Jill J. Parker
Jill J. Parker (274230)
Attorneys for Plaintiff

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14
15 Dated: July 3, 2013

SEYFARTH SHAW LLP
ANDREW M. McNAUGHT (209093)

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17
18 /s/ Andrew M. McNaught
Andrew M. McNaught (209093)
Attorneys for Defendants

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21 **ATTESTATION OF FILER**

22 Pursuant to Local Rule 5-1 regarding signatures, I attest under penalty of perjury that
23 concurrence in the filing of this document has been obtained from its signatory.

24 Dated: July 3, 2013

COOLEY LLP
JOSHUA O. MATES (221068)
NATHAN J. KLEINER (275881)

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26
27 /s/ Joshua O. Mates
Joshua O. Mates (221068)
Attorneys for Third-Party
NATURAL SELECTION FOODS, LLC

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: July 5, 2013

THE HONORABLE JUDGE NATHANAEL M. COUSINS
United States District Court

