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 6 AFCM, INC. and FO-FARMER'S OUTLET, INC.

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

AFCM, INC., a California Corporation; and)
 FO-FARMER'S OUTLET, INC., a)
 California Corporation,)
 Plaintiffs,)
 v.)
 ELITE GLOBAL FARMING AND)
 LOGISTICS, INC., a California)
 Corporation; RICHARD ESCAMILLA,)
 SR., an Individual; JOSE ESCAMILLA, an)
 Individual; JOHN CREIGHTON, an)
 Individual; STEPHEN WYRICK, an)
 Individual; KENT CURLEY, an Individual;)
 DAVID GATTIS, an Individual; AMBER)
 RIGOR, an Individual; and RICHARD)
 ESCAMILLA, JR., an Individual,)
 Defendants.)

CASE NO. 4:11-CV-04677-CW
STIPULATION AND ORDER TO
CONTINUE CASE MANAGEMENT
CONFERENCE

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1 IT IS HEREBY STIPULATED by and between the undersigned parties that:

2 WHEREAS, Plaintiffs AFCM, INC. and FO-FARMER'S OUTLET, INC. (collectively,
3 "Plaintiffs") filed a complaint in the instant action against Defendants ELITE GLOBAL FARMING
4 AND LOGISTICS, INC.; RICHARD ESCAMILLA, SR.; JOSE ESCAMILLA; JOHN CREIGHTON;
5 STEPHEN WYRICK; KENT CURLEY; DAVID GATTIS; AMBER RIGOR; and RICHARD
6 ESCAMILLA, JR. (collectively, "Defendants");

7 WHEREAS, no Defendants have filed responses to the complaint and responsive pleadings are
8 not yet due for several of the Defendants¹;

9 WHEREAS, Plaintiffs are only aware of JOHN CREIGHTON; KENT CURLEY; and DAVID
10 GATTIS (the "JMH Defendants") as having retained counsel in this matter and have agreed with
11 counsel for the JMH Defendants that they shall have until November 21, 2011 to file a response to the
12 complaint;

13 WHEREAS, there is a Case Management Conference scheduled in the instant action for
14 November 15, 2011 at 2:00 p.m. before the Honorable Wilken;

15 WHEREAS, Plaintiffs and the JMH Defendants feel it would be premature to hold a Case
16 Management Conference at this time since the time has not yet passed for all of the Defendants to
17 respond to the complaint and wish to continue the Case Management Conference to a date after January
18 1, 2011;

19 Therefore, IT IS HEREBY STIPULATED between the undersigned parties that the Case
20 Management Conference currently scheduled for November 15, 2011 be continued to a date after
21 January 1, 2012, subject to approval and order by the court.

22 Dated: November 4, 2011

ANASTASSIOU & ASSOCIATES

24 By: _____
25 Effie F. Anastassiou, Esq.
26 Attorneys for Plaintiffs,
AFCM, INC. and FO-FARMER'S OUTLET, INC.

27 _____
28 ¹ Plaintiffs have been promptly moving for entry of default for any Defendants who have been served if they do not respond to the complaint by their due date, and have filed requests for default for two defendants; Richard Escamilla, Jr. and Elite Global Farming and Logistics, Inc.

1 Dated: November __, 2011

JOHNSON, MONCRIEF & HART, PC

2
3 By: _____
4 L. Paul Hart, Esq.
5 Attorneys for Defendants,
6 JOHN CREIGHTON; KENT CURLEY; and
7 DAVID GATTIS

8 **ORDER**


9 PURSUANT TO STIPULATION, IT IS SO ORDERED that the Case Management Conference
10 currently scheduled in the instant action is continued to:

11 Date: January 18, 2012

Time: 2:00 p.m.

12 SO ORDERED.

13 Date: 11/14/2011

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15 _____
16 HONORABLE CLAUDIA WILKEN
17 United States District Court
18 Northern District of California

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