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5 Attorneys for Plaintiffs
 Fresh Start Advantage, Inc. and
 6 Fresh Kist Produce, LLC

7 UNITED STATES DISTRICT COURT
 8 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 9 SAN JOSE DIVISION

10 FRESH START ADVANTAGE, INC., a
 11 corporation; and FRESH KIST
 PRODUCE, LLC, a limited liability
 12 company,
 13 Plaintiffs,
 14 v.
 15 JOHN D. TAMAGNI, an individual, and
 ROBERT ELLIOTT, an individual,
 16 Defendants.
 17 Plaintiffs Fresh Start Advantage, Inc. and Fresh Kist Produce, LLC and

CASE NO. C 08-03697 RMW
ORDER TO CONTINUE CMC
CMC Date: June 12, 2009
CMC Time: 10:30 a.m.
CMC Place: Ctrm. 6, 4th Floor
280 S. First St., San Jose

18 Defendants John D. Tamagni and Robert Elliott respectfully request that the Case
 19 Management Conference and the associated dates be continued for 60 days.

20 The parties requested that the matter be sent to mediation, and the mediation
 21 session is now set for June 30, 2008, before mediator Suzanne K. Nusbaum.

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1 In sum, Plaintiffs and Defendants respectfully request that the Case Management
2 Conference be continued for 60 days to allow Defendants and Plaintiffs to mediate – and
3 hopefully resolve – this dispute.

4 I declare under penalty of perjury under the laws of the United States that the
5 foregoing is true and correct.

6 Date: June 5, 2009

RYNN & JANOWSKY, LLP

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By: /s/ Marion I. Quesenbery
MARION I. QUESENBERY
Attorneys for Plaintiffs

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10 Date: June 5, 2009

LAW OFFICE OF CLYDE C. PEARCE

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By: /s/ Clyde C. Pearce
CLYDE C. PEARCE
Attorney for Defendants

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IT IS SO ORDERED. The Case Management Conference is continued to
August 28, 2009, at 10:30 a.m. , in Courtroom 6, 4th Floor, San Jose,
California.

Date: June 11, 2009

Ronald M. Whyte

U.S. DISTRICT COURT JUDGE