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7 Attorneys for Defendants  
 DOLE FOOD COMPANY, INC.,  
 8 DOLE PACKAGED FOODS, LLC

9 UNITED STATES DISTRICT COURT  
 10 NORTHERN DISTRICT OF CALIFORNIA  
 11 SAN JOSE DIVISION

13 CHAD BRAZIL, an individual, on his own  
 behalf and on behalf of all others similarly  
 14 situated,  
 15 Plaintiff,  
 16 v.  
 17 DOLE FOOD COMPANY, INC.,  
 DOLE PACKAGED FOODS, LLC,  
 18 Defendants.  
 19

Case No. CV12-01831 LHK

**STIPULATION AND ~~PROPOSED~~  
 ORDER EXTENDING TIME TO  
 RESPOND TO AMENDED  
 COMPLAINT AND MODIFYING  
 BRIEFING AND CMC SCHEDULE**

As Amended by the Court

Hearing Date: September 20, 2012  
 Time: 1:30 p.m.  
 Judge: Hon. Lucy H. Koh  
 Action Filed: April 11, 2012

22 Plaintiff Chad Brazil (“Plaintiff”), on behalf of himself and all others similarly situated,  
 23 and Defendants Dole Food Company, Inc. and Dole Packaged Foods, LLC (“Dole” or  
 24 “Defendants”) through their undersigned counsel, hereby stipulate as follows:

25 WHEREAS on April 11, 2012 Plaintiff filed a Complaint for Damages, Equitable and  
 26 Injunctive Relief, which was served on Dole on May 8, 2012;

1           WHEREAS pursuant to a stipulation providing that Dole could respond to the Complaint  
2 on or before June 28, 2012, Dole filed a Motion to Dismiss the Complaint on July 2, 2012 due  
3 to ECF failure from June 28, 2012 through July 2, 2012;

4           WHEREAS rather than responding to Dole's Motion to Dismiss, Plaintiff Brazil filed an  
5 Amended Class Action and Representative Action Complaint for Damages, Equitable and  
6 Injunctive Relief ("Amended Complaint") on July 23, 2012;

7           WHEREAS pursuant to Rule 15 of the Federal Rules of Civil Procedure, Dole's  
8 response to the Amended Complaint would be due on August 6, 2012;

9           WHEREAS the Amended Complaint is substantially longer than Plaintiff's original  
10 Complaint, as it is now 60 pages with 298 paragraphs and has many additional claims that  
11 include at least 5 product lines;

12           WHEREAS because of the new length and nature of the Amended Complaint and Dole's  
13 desire for additional time to assess the new material, the parties have stipulated, subject to Court  
14 approval, that Dole's deadline to respond to the Amended Complaint will be August 13, 2012;

15           WHEREAS in order to permit themselves more time to brief the issues raised by Dole's  
16 Motion to Dismiss to be filed by August 13, 2012, the parties have agreed, subject to Court  
17 approval, that Plaintiff's Opposition to the Motion to Dismiss will be due August 31, 2012,  
18 Defendants' Reply to the Opposition will be due September 14, 2012, and Defendants will  
19 notice the motion for hearing on September 27, 2012 or as soon thereafter as the matter may be  
20 heard by the Court;

21           WHEREAS the parties agree that in light of the filing of the Amended Complaint and  
22 the stipulated briefing and hearing schedule, the Case Management Conference currently  
23 scheduled for September 20, 2012 should be rescheduled to coincide with the date for the  
24 hearing on the Motion to Dismiss;

25           IT IS HEREBY STIPULATED, subject to the approval of the Court, that:

- 26           1. Defendants will respond to Plaintiff's Amended Complaint no later than August 13,  
27           2012;

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2. Plaintiff will file Opposition papers to the Motion to Dismiss no later than August 31, 2012;
3. Defendants will file Reply papers no later than September 14, 2012;
4. Defendants will notice the Motion to Dismiss for hearing on September 27, 2012;
5. The initial Case Management Conference will be held on the date of the hearing.

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

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Dated: July 26, 2012

WILLIAM L. STERN  
WILLIAM F. TARANTINO  
CLAUDIA M. VETESI  
MORRISON & FOERSTER LLP

By: /s/ William L. Stern  
WILLIAM L. STERN

Attorneys for Defendants  
DOLE FOOD COMPANY, INC.,  
DOLE PACKAGED FOODS, LLC

Dated: July 26, 2012

Ben F. Pierce Gore (SBN 128515)  
PRATT & ASSOCIATES  
1901 S. Bascom Avenue, Suite 350  
Campbell, California 95008

By: /s/ Ben F. Pierce Gore  
BEN F. PIERCE GORE

Attorneys for Plaintiff

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**ECF ATTESTATION**

I, William L. Stern, am the ECF User whose ID and password are being used to file the following: **STIPULATION AND [PROPOSED] ORDER EXTENDING TIME TO RESPOND TO AMENDED COMPLAINT AND MODIFYING BRIEFING AND CMC SCHEDULE.** In compliance with General Order 45, X.B., I hereby attest that Ben F. Pierce Gore has concurred in this filing.

Dated: July 26, 2012

WILLIAM L. STERN  
WILLIAM F. TARANTINO  
CLAUDIA M. VETESI  
MORRISON & FOERSTER LLP

By: /s/ William L. Stern  
WILLIAM L. STERN

**[PROPOSED] ORDER**

In light of the parties' stipulation extending time to respond to Plaintiff's Amended Complaint, Defendant's Motion to Dismiss the original Complaint (ECF No. 16) is DENIED as moot. The Court further orders:

1. Defendants will respond to Plaintiff's Amended Complaint no later than August 13, 2012;
2. Plaintiff will file Opposition papers to the Motion to Dismiss no later than August 31, 2012;
3. Defendants will file Reply papers no later than September 14, 2012;
4. Defendants will obtain the next available hearing date from Courtroom Deputy Martha Parker Brown and will notice the Motion to Dismiss for hearing on that date;
5. The initial Case Management Conference will be held on the date of the hearing.

IT IS SO ORDERED.

DATED: July 27, 2012

  
LUCY H. KOH  
United States District Judge