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17 *Attorneys for Plaintiff Chris Werdebaugh*

18 **UNITED STATES DISTRICT COURT**
 19 **NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION**

21 CHRIS WERDEBAUGH, individually and on
 behalf of all others similarly situated,
 22
 Plaintiff,
 23
 v.
 24 BLUE DIAMOND GROWERS,
 25
 Defendant.
 26

CASE NO. CV12-02724-LHK

CLASS ACTION

**STIPULATION AND ORDER
 EXTENDING THE TIME FOR
 DEFENDANT TO PRODUCE CERTAIN
 DOCUMENTS**

Judge: Hon. Lucy H. Koh
 Action Filed: May 29, 2012

1 Pursuant to Local Rule 6-2, Plaintiff and Defendant, through their respective counsel of
2 record, hereby stipulate and agree as follows:

3 WHEREAS, Plaintiff served his Request for Production of Documents to Defendant on
4 October 25, 2012.

5 WHEREAS, Plaintiff agreed to extend the deadline for Defendant to respond to this
6 Request on three occasions, first to December 29, then to January 18, and finally to January 25.

7 WHEREAS, on January 25, 2013, Defendant served its written response to the Request of
8 Production of Documents.

9 WHEREAS, on January 30, 2013, the parties appeared before the Court for a further case
10 management conference. During that conference, the Court initiated an inquiry into the timing of
11 Defendant's responses to Plaintiff's discovery and then ordered Defendant to produce all
12 documents by February 8, 2013.

13 WHEREAS, Defendant has been working diligently with its counsel to collect all
14 responsive, non-objectionable documents and will meet the Court's February 8, 2013 deadline to
15 produce all responsive, non-objectionable documents that it can readily access in its files and on
16 its computer network. Unfortunately, despite its due diligence, Defendant is unable to meet the
17 February 8 deadline to produce responsive documents that have been electronically archived. The
18 process for accessing, searching, and reviewing the electronically archived information going back
19 a number of years is extremely time consuming and, despite due diligence, cannot be completed
20 by February 8. Defendant expects that the process can be completed and any responsive
21 documents produced to Plaintiff by March 8, 2013.

22 WHEREAS, given that the deadline for Plaintiff to file his motion for class certification is
23 May 23, 2013 and the fact discovery cutoff is November 1, 2013, the requested extension for
24 Defendant's document production to March 8, 2013 will not affect the schedule for this case.

25 THEREFORE, the parties stipulate and agree, and respectfully request the Court to extend
26 the deadline for Defendant to produce any additional documents to March 8, 2013.

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IT IS SO STIPULATED.

DATED: February 7, 2013

/S/ Dewitt M. Lovelace
Dewitt M. Lovelace
LOVELACE & ASSOCIATES PA

Attorneys for Plaintiff Chris Werdebaugh

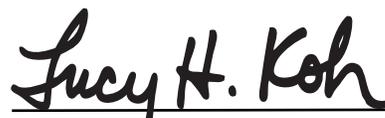
DATED: February 7, 2013

/S/ Megan Oliver Thompson
Megan Oliver Thompson
HANSON BRIDGETT LLP
Attorneys for Defendant Blue Diamond Growers

ORDER

The Court hereby ORDERS that Defendant's deadline to produce additional documents shall be extended to **February 22, 2013**. No further extensions shall be granted.

Date: February 8, 2013


Lucy H. Koh
Lucy H. Koh
United States District Judge