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14  
15 UNITED STATES DISTRICT COURT  
16 NORTHERN DISTRICT OF CALIFORNIA  
17

18 ANDREW PARK, on Behalf of  
Himself and All Other Persons  
19 Similarly Situated,

20 Plaintiff,

21 v.

22 DOLE FRESH VEGETABLES, INC.,

23 Defendant.  
24  
25  
26  
27  
28

Case No. CV13-0872 PSG

[CLASS ACTION]

**STIPULATION AND ~~PROPOSED~~  
ORDER SETTING BRIEFING  
SCHEDULE FOR DEFENDANT'S  
MOTION TO DISMISS**

Date: October 3, 2013  
Time: 1:30 p.m.  
Crtm: 8

1 WHEREAS, on May 9, 2013, plaintiff Andrew Park (“Plaintiff”) filed his First  
2 Amended Class Action Complaint against defendant Dole Fresh Vegetables, Inc.  
3 (“Defendant”);

4 WHEREAS, on May 13, 2013, Defendant filed its Motion to Dismiss Plaintiff  
5 Andrew Park’s First Amended Complaint Or, In The Alternative, To Strike Portions Of  
6 The First Amended Complaint ( “Motion to Dismiss”);

7 WHEREAS, Plaintiff’s opposition to the Motion to Dismiss is currently due on  
8 May 28, 2013;

9 WHEREAS, Defendant’s Reply in support of its Motion to Dismiss is currently  
10 due on June 4, 2013;

11 WHEREAS, the hearing on the Motion to Dismiss is currently scheduled for  
12 October 3, 2013;

13 WHEREAS, Plaintiff needs additional time to respond to the Complaint due to  
14 several other pending briefing deadlines that fall around the deadline for the opposition  
15 brief in this case, including, but not limited to: an opposition to a motion to dismiss in  
16 *PB Property Management, Inc. v. Goodman Manufacturing Company, L.P. et al*, Case  
17 No. 12-cv-01366 (M.D. FL) due May 23, 2013; a motion for class certification in  
18 *Anderson v. Jamba Juice Company*, Case No. 12-cv-01213 (N.D. CA) due May 31,  
19 2013; and an opposition to a petition for writ of certiorari to the U.S. Supreme Court in  
20 *Toyota Motor Corp. v. Choi*, No. 12-1230 (U.S.) due on June 12, 2013;

21 WHEREAS, pursuant to Local Rule 6-2, Plaintiff and Defendant may request  
22 through stipulation, an order changing time that would affect the date of an event or  
23 deadline already fixed by Court order, or that would accelerate or extend time frames  
24 set in the Local Rules or in the Federal Rules;

25 WHEREAS, Plaintiff and Defendant have agreed that Plaintiff shall file his  
26 opposition to the Motion to Dismiss no later than June 18, 2013;

27 WHEREAS, Plaintiff and Defendant have agreed that Defendant shall file a  
28 Reply in support of its Motion to Dismiss no later than July 12, 2013;

1        WHEREAS, this stipulated briefing schedule is not being sought for purposes of  
2 delay, but rather so that this matter may be fairly and reasonably litigated and so that  
3 justice may be done;

4        WHEREAS, No prior extension concerning the Motion to Dismiss has been  
5 requested or obtained.

6        IT IS HEREBY STIPULATED between Plaintiff and Defendant that:

7        Plaintiff shall file his opposition to the Motion to Dismiss no later than June 18,  
8 2013.

9        Defendant shall file a Reply in support of its Motion to Dismiss no later than July  
10 12, 2013.

11        The October 3, 2013 hearing date on the Motion to Dismiss will remain  
12 unchanged.

13  
14 DATED: May 17, 2013                      MCKENNA LONG & ALDRIDGE LLP


15  
16 Bv: /s/Theona Zhordania  
17 Charles A. Danaher  
18 Theona Zhordania  
19 Attorneys for Defendant  
20 DOLE FRESH VEGETABLES, INC.

21  
22 DATED: May 17, 2013                      GLANCY BINKOW & GOLDBERG, LLP

23 Bv: /s/Marc L. Godino  
24 Marc L. Godino  
25 Attorneys for Plaintiff  
26 ANDREW PARK

27  
28 **PURSUANT TO STIPULATION, IT IS SO ORDERED,**

Date: May 28, 2013

  
Honorable Lucy H. Koh  
United States District Court Judge