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16 Attorneys for: Defendants DAVID AEZAH, BAKERSFIELD GROCERY WHOLESALE,
17 and DAVE AEZAH INVESTMENTS, INC.

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION

29 AMERICAN EXPRESS TRAVEL RELATED SERVICES COMPANY, INC., a New York corporation, Plaintiff, v. D&A Corporation d/b/a/ BAKERSFIELD WHOLESALE FOODS, a California corporation, ABDO AEZAH, an individual, MALAKA M. AEZAH, an individual, DAVID AEZAH, an individual, BAKERSFIELD GROCERY WHOLESALE, an unincorporated business entity, DAVID AEZAH INVESTMENT, INC., a California corporation, and DOES 1 through 100, inclusive, Defendants.

Case No. 1:04-CV-06737 OWW TAG
STIPULATION TO RELEASE PROPERTY SUBJECT TO THE PRELIMINARY INJUNCTION

WHEREAS the Court entered a preliminary injunction on March 9, 2007 which enjoined the Defendants from selling, liquidating, assigning, transferring, converting, encumbering, dissipating, or otherwise disposing of any real property or any interest including but not limited to the following

1 properties: (a) a single family residence at 4402 Valparaiso Way in Bakersfield, California; (b)
2 Apartment complex on 503-515 28th Street in Bakersfield, California; (c) A home located at 9008
3 Limoges in Bakersfield, California; (d) A vacant lot in Bakersfield, California more accurately
4 described in kern County Assessor's parcel number 170-040-08 and zoned as MI for industrial
5 purposes; (e) A multi family dwelling located at 6710 Union Avenue in Bakersfield, California; and
6 (f) A warehouse located at 402 California Avenue in Bakersfield, California.

7 WHEREAS a Stipulation and Order to release all of the above referenced properties except
8 for the property identified as the warehouse located at 402 California Avenue in Bakersfield,
9 California was entered by the Court on July 27, 2007.

10 WHEREAS the parties entered into an Agreement to Release Lis Pendens and Preliminary
11 Injunction And Allow Sale Of Property And Escrow Instructions on December 31, 2007.

12 IT IS HEREBY STIPULATED AND AGREED by the undersigned, that:

13 1. The warehouse located at 402 California Avenue in Bakersfield, California may be sold
14 pursuant to the terms and conditions of the Agreement To Release Lis Pendens and Preliminary
15 Injunction And Allow Sale Of Property And Escrow Instructions on December 31, 2007

16 2. The preliminary injunction in effect with respect to the property located at 402
17 California Avenue in Bakersfield, California shall be dissolved upon the sale of the property located
18 at 402 California Avenue in Bakersfield, California in accordance with the terms and conditions set
19 forth in the escrow agreement described in paragraph 1.

20 3. Signatures may be transmitted electronically or via facsimile.

21 4. This stipulation may be executed in counterparts and will be binding on all parties.

22 Dated: February 6, 2008

JAFFE & ASHER LLP

24 By: /s/ Mark H. Moore

25 Mark H. Moore, Esq.,

26 Attorneys for Plaintiff, AMERICAN EXPRESS TRAVEL
27 RELATED SERVICES COMPANY, INC.

1 Dated: February 7, 2008

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4 MARDEROSIAN, RUNYON, CERCONE
5 LEHMAN & ARMO
6

7 By: /s/ Michael G. Marderosian
8 Michael G. Marderosian,
9 Attorneys for Defendants DAVID
10 AEZAH, BAKERSFIELD GROCERY
11 WHOLESALE, and DAVE AEZAH
12 INVESTMENTS, INC.
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IT IS SO ORDERED.

Dated: February 7, 2008

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE