

Roger M. Schrimp, State Bar No. 039378  
 George P. Rodarakis, State Bar No. 222214  
 Eric J. Sousa, State Bar No. 232541  
 DAMRELL, NELSON, SCHRIMP,  
 PALLIOS, PACHER & SILVA  
 1601 I Street, 5th Floor  
 Modesto, CA 95354  
 Telephone (209) 526-3500  
 Facsimile (209) 526-3534

Ted R. Frame, State Bar No. 023736  
 FRAME & MATSUMOTO  
 201 Washington Street  
 Post Office Box 895  
 Coalinga, CA 93210  
 Tel: (559) 935-1552  
 Fax: (559) 935-1555

Attorneys for Plaintiff  
 Britz Fertilizers, Inc.

Stephen T. Clifford, SBN 39020  
 T. Mark Smith, SBN 162370  
 CLIFFORD & BROWN  
 A Professional Corporation  
 Attorneys at Law  
 1430 Truxtun Avenue, Suite 900  
 Bakersfield, CA 93301  
 Tel: (661) 322-6023  
 Fax: (661) 322-3508

Attorneys for Defendants  
 Bayer Corporation and Bayer CropScience. LP

**UNITED STATES DISTRICT COURT  
 EASTERN DISTRICT OF CALIFORNIA  
 FRESNO DIVISION**

BRITZ FERTILIZERS, INC.,

Plaintiff,

vs.

BAYER CORPORATION; BAYER  
 CROPSCIENCE, LP; et al.,

Defendants.

Case No. **1:06-CV-00287-OWW-DLB**  
 (Consolidated for all purposes with  
 Case No. 1:07-CV-00846)

**STIPULATION TO CONTINUE HEARING  
 DATE ON PLAINTIFF'S MOTION FOR  
 ORDER GRANTING LEAVE TO FILE  
 SECOND AMENDED COMPLAINT**

Currently Set:  
 Date: **March 22, 2010**  
 Time: **10:00 a.m.**  
 Courtroom: **3**

Continued to:  
 Date: **March 29, 2010**  
 Time: **10:00 a.m.**  
 Courtroom: **3**

IT IS HEREBY STIPULATED by and between the parties hereto, Plaintiff Britz Fertilizers, Inc., and Defendants Bayer Corporation and Bayer CropScience, L.P., through their respective undersigned attorneys, that the date currently set for Plaintiff's Motion for Order Granting Leave to File Second Amended Complaint be continued from March 22, 2010 to **March 29, 2010 at 10:00 a.m.** in Courtroom 3. Britz's supplemental briefing, not to exceed ten (10) pages is due by February 11, 2010. Any opposition to Britz's supplemental briefing is due by February 25, 2010, and shall not exceed seven (7) pages. Any reply is due by March 4, 2010, and shall not exceed five (5) pages.

DATED: February 4, 2010

DAMRELL, NELSON, SCHRIMP,  
PALLIOS, PACHER & SILVA

By: /s/ George P. Rodarakis  
Roger M. Schrimp  
George P. Rodarakis  
Attorneys for Plaintiff

And

FRAME & MATSUMOTO

By: /s/ Ted R. Frame  
Ted R. Frame  
Attorneys for Plaintiff

DATED: February 2, 2010

CLIFFORD & BROWN

By: /s/ T. Mark Smith  
Stephen T. Clifford  
T. Mark Smith  
Attorneys for Defendants

## ORDER

The hearing on Plaintiff's Motion for Order Granting Leave to File Second Amended Complaint shall be continued from March 22, 2010 to **March 29, 2010 at 10:00 a.m.** in Courtroom 3 of the above-entitled Court. Britz's supplemental briefing, not to exceed ten (10) pages is due by February 11, 2010. Any opposition to Britz's supplemental briefing is due by February 25, 2010, and shall not exceed seven (7) pages. Any reply is due by March 4, 2010, and shall not exceed five (5) pages.

DATED: 2/3/2010

/s/ OLIVER W. WANGER  
Honorable Oliver W. Wanger  
United States District Judge