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10 Attorneys for Defendants
11 BAYER CORPORATION and BAYER CROPSCIENCE, LP

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION

BRITZ FERTILIZERS, INC.,)	Case No.: 1:06-CV-00287-OWW-DLB
)	
Plaintiff,)	JOINT REQUEST TO VACATE TRIAL
)	AND PRE-TRIAL DATES; ORDER
vs.)	THEREON
)	
BAYER CORPORATION; BAYER)	
CROPSCIENCE, LP,)	
)	
Defendants)	
)	

JOINT REQUEST

All parties in this action, acting through their respective counsel, jointly request for the following reasons that all Motion, Pre-Trial and Trial dates in this action be vacated.

WHEREAS, the parties have reached an agreement-in-principle to settle and resolve the claims of plaintiff, Britz Fertilizers, Inc. ("Plaintiff") against defendants Bayer Cropsience, LP and Bayer Corporation, Inc. ("Defendants");

WHEREAS, such settlement is conditioned upon the Court granting a motion for good faith settlement approval (Cal. *Code of Civ. Proc.* §§ 877, 877.6);

WHEREAS, the parties anticipate that a joint motion for good faith settlement approval within thirty (30) days of today's date;

1 WHEREAS, in order to allow sufficient time for the preparation, filing, and hearing of
2 the motion, which, if granted, and thereby barring any potential claims of the noticed parties,
3 will result in dismissal of the action;

4 WHEREAS, the parties seek to take off-calendar all Motion, Pre-Trial and Trial dates,
5 including, but not limited to:

6	April 26, 2010	10:00 a.m.	Plaintiff's Motion to Amend
7	May 28, 2010	12:00 p.m.	Hearing on Motions in Limine
8	June 15, 2010	9:00 a.m.	Trial;

9 to be reset upon request by plaintiff or defendants should the Court deny the motion.

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12 Dated: April 21, 2010

DAMRELL, NELSON, SCHRIMP,
PALLIOS, PACHER & SILVA
FRAME & MATSUMOTO
By /s/ Ted R. Frame
(authorized on 4/22/10)
Ted R. Frame
Attorneys for Plaintiff
Britz Fertilizers, Inc.

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17 Dated: April 21, 2010

CLIFFORD & BROWN
By /s/ T. Mark Smith
Stephen T. Clifford
T. Mark Smith
Attorneys for Defendants
Bayer Corporation and
Bayer CropScience, L.P.

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25 IT IS SO ORDERED.

26 Dated: April 23, 2010

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE