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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
FRESNO DIVISION

ROBIN BREWER, individually and on behalf )  
of all others similarly situated, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
SCOTT SALYER )  
 )  
Defendant. )

1:06-cv-01324-AWI-DLB

**STIPULATION REGARDING THE  
TRUSTEE’S PRODUCTION OF  
EMPLOYEE LIST**

STIPULATION REGARDING THE TRUSTEE’S PRODUCTION OF  
EMPLOYEE LIST

Plaintiffs Robin Brewer (“Plaintiffs”), on behalf of himself and all those similarly situated, Defendant Scott Salyer (“Defendant” or “Salyer”), and non party Court appointed Chapter 11 Trustee of SK Foods LP (“Trustee” or “SK Foods”), by undersigned counsel, hereby enter into the following stipulation regarding the Trustee’s production of an employee list:<sup>1</sup>

<sup>1</sup> “The parties” hereafter will refer to Plaintiffs, Defendant and SK Foods.

1           1. On February 22, 2010, the Court entered an order compelling the Trustee to produce an  
2 employee list to Plaintiffs for purposes of allowing Plaintiffs to send out class notice to the  
3 certified class. *See* Court Doc. 157.

4           2. Plaintiffs have requested the following list (in excel format): The name, social security  
5 number, and address of every seasonal, hourly paid worker from September 22, 2002 through  
6 July 21, 2009 (which is the certified class period).

7           3. Pursuant to the Court Order and Plaintiffs' request, and subject to the stipulation below,  
8 the Trustee agrees to produce a list in excel format containing information on approximately  
9 4000 former and current (as of April 14, 2009) SK Foods employees (the "List"). The List was  
10 originally prepared in advance of SK Foods bankruptcy proceedings.

11           4. The Trustee makes no representation as to the completeness of the List but believes it to  
12 be comprehensive of SK Foods' records as of April 14, 2009. The Trustee cannot guarantee that  
13 the List exclusively contains SK Foods employees; it may include employees of other Salyer-  
14 related entities. However, the Trustee will instruct the person most knowledgeable to review the  
15 list prior to production and endeavor to remove any employees known not be SK Foods  
16 employees. Further, the Trustee represents the List may be overbroad in that it contains  
17 information on all employees and is not limited to "seasonal, hourly paid worker[s]". Further,  
18 the List may not contain all the information requested for each employee on the List.  
19  
20

21           5. The Trustee represents that this is the most accurate and practicable list available to him  
22 under the circumstances that would satisfy the Court's order and Plaintiffs' request.

23           6. Salyer makes no representation about the accuracy of the List.

24           7. WHEREFORE, the parties stipulate and agree that the Trustee's production of the List to  
25 the parties is not a waiver by the Trustee of any applicable privilege, nor may the production be  
26

1 deemed a violation of Salyer's or the Salyer affiliated entities, which include, inter alia, all of the  
2 non-debtors who are parties to that certain pending bankruptcy appeal in the United States  
3 District Court for the Eastern District of California, Sacramento Division, rights or privileges.  
4  
5

6 Dated: March 1, 2010

Respectfully submitted,

7 /s/Howard W. Foster

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18 *Counsel for Plaintiff, Robin Brewer*  
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20 Dated: March 1, 2010

Respectfully submitted,

21 /s/Malcolm Segal

22 Malcolm Segal

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23 Segal & Kirby, LLP

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24 Sacramento, Ca 95814

25 *Counsel for Defendant, Scott Salyer*  
26

1 Dated: March 1, 2010

Respectfully submitted,

2 /s/Gregory C. Nuti  
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5 *Counsel for Trustee of SK Foods*

6 IT IS SO ORDERED.

7 Dated: March 1, 2010

8 /s/ Dennis L. Beck  
UNITED STATES MAGISTRATE JUDGE