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Attorneys for Plaintiff  
 CENTEX HOMES

UNITED STATES DISTRICT COURT  
 EASTERN DISTRICT OF CALIFORNIA – FRESNO DIVISION

CENTEX HOMES,

Plaintiff,

vs.

FINANCIAL PACIFIC INSURANCE  
 COMPANY, AMERICAN STATES  
 INSURANCE COMPANY, SAFECO  
 INSURANCE COMPANY and CARR  
 BUSINESS ENTERPRISES, INC.,

Defendants.

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RELATED CROSS/COUNTER-CLAIMS

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Case No.: 1:07-CV000567-AWI-SMS

STIPULATION AND ORDER TO EXTEND  
 HEARING DATE FOR CARR BUSINESS  
 ENTERPRISES, INC.'S MOTION FOR  
 SUMMARY JUDGMENT (ADJUDICATION)

Original Hearing Date: August 31, 2009  
 Revised Hearing Date: September 21, 2009

Trial Date: March 16, 2010

Moving Party Carr Business Enterprises, Inc. and Opposing Party Centex Homes,  
 through their respective counsel, hereby agree and stipulate as follows, and request that the Court  
 enter the following order approving the stipulation:

WHEREAS the hearing date of Moving Party Carr Business Enterprises, Inc.'s  
 Motion for Summary Judgment or in the alternative Motion for Summary Adjudication is  
 currently set for hearing on August 31, 2009

WHEREAS counsel for Opposing Party Centex Homes requested that counsel for Carr Business Enterprises, Inc. agree to continue the hearing date due to an unexpected out of town family emergency.

WHEREAS counsel for Carr Business Enterprises, Inc. has graciously agreed to extend the hearing date for its Motion for Summary Judgment or in the alternative Summary Adjudication.

ACCORDINGLY, IT IS HEREBY STIPULATED by and among the parties to this motion, through their respective counsel below, that the hearing date of Carr Business Enterprises, Inc.'s Motion for Summary Judgment or in the alternative Motion for Summary Adjudication may be extended as set forth below:

<u>Event</u>	<u>Current date</u>	<u>Revised date</u>
Hearing Date for Carr Business Enterprises, Inc.'s Motion for Summary Judgment or in the alternative Summary Adjudication	8/31/09	9/21/09

DATED: August 10, 2009

HOWREY LLP

By     /s/ Aaron Gruber      
AARON R. GRUBER  
Attorneys for Plaintiff CENTEX HOMES

DATED: August 10, 2009

ANWYL SCOFFIELD & STEPP, LLP

By     /s/ Lindy Scoffield      
LINDY SCOFFIELD  
Attorneys for Defendant CARR BUSINESS  
ENTERPRISES, INC.

**RULE 7-131(e) CERTIFICATION**

I, Aaron R. Gruber, hereby attest, pursuant to this Court's Rule 7-131(e), that each of the other counsel identified above have authorized the submission of this Stipulation and [Proposed] Order on that counsel's behalf.

Executed this 10th day of August, 2009, at Sacramento, California.

/s/ Aaron R. Gruber  
Aaron R. Gruber  
Attorney for Plaintiff CENTEX HOMES

**ORDER**

The parties having so stipulated, and good cause appearing, the Court hereby revises the hearing date for Carr Business Enterprises, Inc.'s Motion for Summary Judgment or in the alternative Summary Adjudication as set forth below:

<u>Event</u>		
	<u>Current date</u>	<u>Revised date</u>
		Hearing Date for Carr Business Enterprises, Inc.'s Motion for Summary Judgment or in the alternative Summary Adjudication
	8/31/09	9/21/09

All opposition and reply papers to be calendared based on the Revised Hearing Date.

IT IS SO ORDERED.

Dated: August 11, 2009

/s/ Anthony W. Ishii

CHIEF UNITED STATES DISTRICT JUDGE