

KLEIN, DENATALE, GOLDNER,
COOPER, ROSENLIEB & KIMBALL, LLP
4550 CALIFORNIA AVENUE, SECOND FLOOR
BAKERSFIELD, CALIFORNIA 93309

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BARRY L. GOLDNER, SBN 107126
T. SCOTT BELDEN, SBN 184387
TERRENCE T. EGLAND, SBN 240911
KLEIN, DENATALE, GOLDNER,
COOPER, ROSENLIEB & KIMBALL, LLP
4550 California Avenue, Second Floor
Bakersfield, California 93309
P.O. Box 11172
Bakersfield, California 93389-1172
Telephone: (661) 395-1000
Facsimile: (661) 326-0418
E-Mail: sbelden@kleinlaw.com

Attorneys for Plaintiff, Western Scrap, Inc.

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

WESTERN SCRAP, INC., a
California corporation,

Plaintiff,

vs.

COLMAR USA, INC., a New York
corporation, and
DOES 1 through 100, inclusive,

Defendants.

Case No. 1:08-cv-01060-AWI-GSA

**NOTICE OF SETTLEMENT OF
ENTIRE ACTION; REQUEST TO
VACATE PENDING DATES;
ORDER VACATING PENDING
DATES**

TO THE UNITED STATES DISTRICT COURT:

Western Scrap, Inc. (“Western”), on the one hand, and Colmar USA, Inc. (“Colmar”) on the other hand, hereby provide notice to the Court that the underlying matter has been settled in its entirety and, therefore, request the following:

1. Western and Colmar have executed a definitive settlement agreement.

However, performance of the terms of the settlement may not be complete until April 30, 2009. Therefore, the parties request that the pending discovery, motion, pre-trial, and trial dates be vacated pending performance of the settlement agreement as contemplated and dismissal of the action.

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2. The parties further request that a status conference on the settlement be set for early May 2009, unless the action is dismissed before then, for a status conference on the settlement.

Dated: February 5, 2009

KLEIN, DeNATALE, GOLDNER,
COOPER, ROSENLIEB & KIMBALL, LLP

By /s/ T. Scott Belden
T. Scott Belden, Attorneys for
Plaintiff, Western Scrap, Inc.

Dated: February 3, 2009

GORDON & REES, LLP

By /s/ Michael t. Lucey
MICHAEL T. LUCEY, Attorneys for
Defendant, Colmar USA, Inc.

ORDER VACATING DATES AND ORDERING SCHEDULING CONFERENCE

Based upon the foregoing Notice of Settlement, it is hereby Ordered as follows:

1. All pending dates, including discovery cutoff, law and motion, pre-trial, and trial dates, presently set in this matter, are hereby VACATED;

2. A Scheduling Conference will take place at 10:00 a.m., Wednesday, May 13, 2009, in Courtroom 10 before the Honorable Gary S. Austin. Plaintiff shall provide a report on the status of the settlement no later than one week prior to the Scheduling Conference. The parties shall submit dismissal papers prior to the conference if the settlement is finalized prior to the above date.

Dated: February 6, 2009

Gary S. Austin
UNITED STATES MAGISTRATE JUDGE