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16 Attorneys for Plaintiff
 17 ROSEDALE PLAZA GROUP, LLC

18 UNITED STATES DISTRICT COURT

19 EASTERN DISTRICT OF CALIFORNIA

20 ROSEDALE PLAZA GROUP, LLC, a
 California Limited Liability Company,

21 Plaintiff,

22 v.

23 BP WEST COAST PRODUCTS LLC, a
 24 Delaware Limited Liability Company and
 DOES 1 through 100, Inclusive,

25 Defendant.

CASE NO. 1-08-CV-01874-OWW-GSA

**STIPULATION RE: SETTLEMENT AND
 ORDER RE: REMOVAL FROM ACTIVE
 TRIAL CALENDAR**

**ASSIGNED TO: HON. JUDGE OLIVER
 W. WANGER**

Current Trial Date: January 26, 2010

27 AND RELATED COUNTERACTIONS

1 It is hereby stipulated by and between BP West Coast Products LLC (“BPWCP”) and
2 Rosedale Plaza Group, LLC (“Rosedale”), through their respective attorneys of record:

3 **RECITALS AND STIPULATIONS**

4 A. On November 2, 2009, the parties, through their respective attorneys of record,
5 appeared at the Pretrial Conference before the Honorable Judge Oliver W. Wanger, United States
6 District Judge. The Court continued the trial on this matter to January 26, 2010.

7 B. At the Pretrial Conference, the Court instructed each party to propose and file a
8 brief regarding a proposed jury instruction on the issue of the interrelationship of the PMPA and
9 am/pm Agreements by November 16, 2009, and Oppositions to the other side’s proposed
10 instruction by November 23, 2009.

11 C. On November 9, 2009, the parties and their respective attorneys of record
12 participated in a Settlement Conference before the Honorable Gary S. Austin, United States
13 Magistrate Judge. As a result of that Conference and ongoing discussions, the parties have
14 reached a settlement in principle, which the parties are documenting.

15 D. In light of the settlement in principle, the parties request removal from the active
16 trial calendar and all deadlines.

17 Respectfully submitted,

18 Dated: November 16, 2009

ARCHER NORRIS, a Professional Corporation

19 By /s/ Jeffrey M. Hamerling
20 JEFFREY M. HAMERLING
21 Attorneys for Defendant
BP WEST COAST PRODUCTS LLC

22 Dated: November 16, 2009

BLEAU FOX, a Professional Corporation

23 By /s/ Martin R. Fox
24 MARTIN R. FOX
25 Attorneys for Plaintiff
ROSEDALE PLAZA GROUP, LLC

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ORDER

Based upon the stipulation of the parties, and for good cause shown, IT IS HEREBY ORDERED that the matter shall be removed from the active trial calendar. The parties shall file a request for dismissal no later than December 7th or show cause why the Court should not dismiss the matter.

IT IS SO ORDERED.

Dated: November 16, 2009

/s/ OLIVER W. WANGER

HON. OLIVER W. WANGER
United States District Judge