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25 UNITED STATES DISTRICT COURT
26 EASTERN DISTRICT OF CALIFORNIA
27 FRESNO DIVISION

28 ALZCHEM TROSTBERG GMBH,
29 a German Corporation

30 Plaintiff,

31 vs.

32 GREEN TREES & PLANTS II, LLC,
33 a Georgia limited liability company

34 Defendant.

35 **Case No. 1:08-cv-01957-LJO-SMS**
36 **Hon. Lawrence J. O'Neill**
37 *Assigned to Hon. Sandra M. Snyder*
38 *For Non-Dispositive Issues*

39 **STIPULATION AND ORDER TO EXTEND**
40 **TIME TO RESPOND TO COMPLAINT**
41 **AND TO CONTINUE RULE 26(f)**
42 **SCHEDULING CONFERENCE**

43 Stipulation Extending Time to Respond to Complaint and To Continue Rule 26(f) Scheduling Conference

1 WHEREAS, Defendant Green Trees & Plants II, LLC (“Green Trees” or “Defendant”) was
2 served with the Complaint for Damages, Restitution, and Injunctive Relief, Case No. CV08-01957-
3 LJO-SMS (the “Complaint”) filed by Plaintiff AlzChem Trostberg GmbH (“Plaintiff”) on De-
4 cember 24, 2008;

5 WHEREAS, the deadline for Green Trees to respond to the Complaint was originally
6 January 13, 2009;

7 WHEREAS, on January 12, 2009, Plaintiff and Defendant (the “Parties”) filed a Stipulation
8 agreeing to a 20 day extension for Green Trees to file an answer or other response to the Complaint,
9 and, on February 12, 2009, filed a second Stipulation, approved by this Court, permitting Green
10 Trees to file an answer or other response to the Complaint on or before February 23, 2009;

11 WHEREAS, settlement discussions have progressed significantly, the Parties expect to re-
12 solve this matter via settlement and seek to preserve the time and resources of the Court;

13 WHEREAS, this Court has set a Rule 26(f) Scheduling Conference for March 25, 2009 at
14 9:00 a.m.;

15 WHEREAS, the Scheduling Conference triggers the Parties duty to hold a Rule 26 Confer-
16 ence of Counsel by March 4, 2009, exchange Initial Disclosures and develop a Discovery Plan by
17 March 18, 2009, and submit a Joint Scheduling Report by March 18, 2009;

18 WHEREAS, in light of the Parties settlement discussions, the Parties request a 30-day continu-
19 ance of the Rule 26(f) Scheduling Conference set for March 25, 2009, and the foregoing related
20 dates, in a further effort to preserve the resources of the Parties and the Court – no prior extensions
21 have been sought by either party with respect to these dates;

22 IT IS HEREBY STIPULATED by and between the Parties, through their undersigned coun-
23 sel of record, and subject to the Court’s approval, that:

- 24 1. Green Trees shall be given an additional 21 days to answer or otherwise respond to the Com-
25 plaint; Green Trees will file an answer or other response to the Complaint on or before March
26 16, 2009;
- 27 2. The Rule 26(f) Scheduling Conference is continued by 30 days to April 24, 2009 at 9:00 a.m.
 - 28 a. The Parties shall hold a Rule 26 Conference of Counsel on or before April 3, 2009;

- b. The Parties shall exchange Initial Disclosures and develop a Discovery Plan on or before April 17, 2009; and
- c. The Parties shall file the Joint Scheduling Report on or before April 17, 2009.

3. All other deadlines not specifically referenced herein, and all other terms of the Court's Order setting the Rule 26(f) Scheduling Conference, remain unchanged.

DATED: February 20, 2009

VALLE & ASSOCIATES

By: /s/ Thomas Friedman

Thomas P. Friedman

Attorneys for Defendant

GREEN TREES & PLANTS II, LLC

DATED: February 20, 2009

FARELLA BRAUN & MARTEL LLP

By: /s/ Robert L. Hines

Robert L. Hines

Attorneys for Plaintiff

ALZCHEM TROSTBERG GMBH

IT IS SO ORDERED:

The TELEPHONIC Scheduling Conference is continued from Wednesday, March 25, 2009 to Monday, April 27, 2009 (not April 24 as stated above) at 10:30a.m. before Judge Snyder.

a) A JOINT Scheduling Conference Report carefully prepared and executed by all counsel, shall be electronically filed in CM/ECF, in full compliance with the requirements set forth in, ORDER SETTING MANDATORY SCHEDULING CONFERENCE Exhibit "A", one (1) full week prior to the Scheduling Conference, and shall be e-mailed, in Word-Perfect or Word format, to smorders@caed.uscourts.gov.

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1 b) plaintiff's counsel shall make arrangements for a conference
2 call with the AT&T operator (if counsel does not have conference
3 call capabilities on their telephone systems), and shall initiate
4 the call at the above-designated time. After all parties are on
5 the line, the call should then be placed to Judge Snyder's chambers
6 at (559)499-5690.

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8 Date: 2/20/2009

/s/ Sandra M. Snyder

9 Hon. Sandra M. Snyder, U.S. Magistrate Judge

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