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25 UNITED STATES DISTRICT COURT
26 EASTERN DISTRICT OF CALIFORNIA
27 FRESNO DIVISION
28

29 ALZCHEM TROSTBERG GMBH,
30 a German Corporation

31 Plaintiff,

32 vs.

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

35 Defendant.

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

40 **STIPULATION AND ORDER TO EXTEND**
41 **TIME TO RESPOND TO COMPLAINT**
42 **AND TO CONTINUE RULE 26(f)**
43 **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;

- 1 b. The Parties shall exchange Initial Disclosures and develop a Discovery Plan on or be-
2 fore April 17, 2009; and
3 c. The Parties shall file the Joint Scheduling Report on or before April 17, 2009.
4 3. All other deadlines not specifically referenced herein, and all other terms of the Court's Order
5 setting the Rule 26(f) Scheduling Conference, remain unchanged.

6
7 DATED: February 20, 2009

VALLE & ASSOCIATES

8 By: /s/ Thomas Friedman
9 Thomas P. Friedman
10 Attorneys for Defendant
GREEN TREES & PLANTS II, LLC

11 DATED: February 20, 2009

FARELLA BRAUN & MARTEL LLP

12 By: /s/ Robert L. Hines
13 Robert L. Hines
14 Attorneys for Plaintiff
ALZCHEM TROSTBERG GMBH

15
16 **IT IS SO ORDERED:**

17
18 The TELEPHONIC Scheduling Conference is continued from Wednesday, March 25, 2009 to Mon-
19 day, April 27, 2009 (not April 24 as stated above) at 10:30a.m. before Judge Snyder.

20
21 **A) A JOINT Scheduling Conference Report carefully prepared and exe-**
22 **cuted by all counsel, shall be electronically filed in CM/ECF, in**
23 **full compliance with the requirements set forth in, ORDER SETTING**
24 **MANDATORY SCHEDULING CONFERENCE Exhibit "A", one (1) full week**
25 **prior to the Scheduling Conference, and shall be e-mailed, in Word-**
26 **Perfect or Word format, to smsorders@caed.uscourts.gov.**

27 **////**
28

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.

7
8 Date: 2/20/2009

/s/ Sandra M. Snyder
Hon. Sandra M. Snyder, U.S. Magistrate Judge