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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.

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

**JOINT STIPULATION AND
ORDER FOR 45 DAY STAY OF ACTION**

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
4 December 24, 2008 (the “Action”), and the deadline for Green Trees to respond to the Complaint
5 was originally January 13, 2009;

6 WHEREAS, Plaintiff and Defendant (the “Parties”) submit this Joint Stipulation seeking a
7 45-day Stay of this Action;

8 WHEREAS, the Parties have been engaged in meaningful settlement discussions from the
9 outset of this Action;

10 WHEREAS, in light of the Parties’ settlement discussions, the following Stipulations have
11 been filed:

- 12 • On January 12, 2009, the Parties filed a Stipulation agreeing to a 20 day extension
13 for Green Trees to file an Answer or other Response to the Complaint;
- 14 • On February 12, 2009, the Parties filed a second Stipulation, approved by this Court,
15 permitting Green Trees to file an Answer or other Response to the Complaint on or
16 before February 23, 2009;
- 17 • On February 20, 2009, the Parties filed an additional Stipulation, approved by this
18 Court, continuing the Rule 26(f) Scheduling Conference set for March 25, 2009 to
19 April 27, 2009, and providing an additional 30 days, to March 16, 2009, for Green
20 Trees to Answer or otherwise Respond to the Complaint;
- 21 • On March 12, 2009, the Parties submitted an additional stipulation, approved by this
22 Court, providing Green Trees an additional 17 days, to April 2, 2009, to Answer or
23 otherwise Respond to the Complaint;

24 WHEREAS, settlement discussions have continued to progress, and based on the progress of
25 those discussions, the Parties expect to resolve this matter via settlement, and desire to preserve the
26 time and resources of the Court;

27 WHEREAS, the Parties request that this Court grant a 45-day stay of this Action to permit
28 the Parties to focus their energy and attention on settlement;

1 WHEREAS, absent the Court's approval of this Stipulation, the Rule 26(f) Scheduling Con-
2 ference currently set for April 27, 2009, will trigger the Parties' obligation to (i) hold a Rule 26
3 Conference of Counsel on or before April 3, 2009; (ii) exchange Initial Disclosures and develop a
4 Discovery Plan on or before April 17, 2009; and (iii) file the Joint Scheduling Report on or before
5 April 17, 2009; moreover, Defendant is currently required to Answer or Respond by April 2, 2009;

6 IT IS HEREBY STIPULATED by and between the Parties, through their undersigned coun-
7 sel of record, pursuant to, *inter alia*, Local Rule 6-144 and Local Rule 72-302(c)(13), without preju-
8 dice to either Parties' rights or claims, and subject to the Court's approval, that:

- 9 1. This Action, *AlzChem Trostberg GmbH v Green Trees & Plants II, LLC*, Case No. CV08-
10 01957- LJO-SMS, is stayed for all purposes for 45 days, from March 31, 2009, up to and
11 including, May 15, 2009;
- 12 2. The Telephonic Scheduling Conference set for Monday, April 27, 2009 at 10:30 a.m. is
13 hereby continued to Monday, June 8, 2009 at 10:30 a.m..
- 14 3. All Orders, dates, procedures and rules, including, without limitation, Fed. R. Civ. Proc. 16
15 and 26, triggered by the June 8, 2009 Scheduling Conference remain unchanged in all other
16 respects.

17 DATED: March 31, 2009

VALLE & ASSOCIATES

18 By: /s/ Thomas P. Friedman
19 Thomas P. Friedman
20 Attorneys for Defendant
GREEN TREES & PLANTS II, LLC

21 DATED: March 31, 2009

FARELLA BRAUN & MARTEL LLP

22 By: /s/ Robert L. Hines
23 Robert L. Hines
24 Attorneys for Plaintiff
ALZCHEM TROSTBERG GMBH

25 **IT IS SO ORDERED:**

26 Date: April 1, 2009

27 /s/ Lawrence J. O'Neill_
28 Hon. Lawrence J. O'Neill, U.S. District Judge