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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 EXXONMOBIL OIL CORPORATION,

12 Plaintiff,

13 v.

14 NICOLETTI OIL, INC. *et al.*,

15 Defendants.
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No. 1:09-cv-01498-AWI-SAB

**STIPULATION AND ORDER TO
CONTINUE STATUS CONFERENCE**

Judge: Hon. Anthony W. Ishii
Third Am. Compl. Filed: Oct. 8, 2010

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19 1. On February 13, 2017, Plaintiff ExxonMobil Oil Corporation (“ExxonMobil”) and Defendants Nicoletti Oil, Inc., Floretta A. Nicoletti, personal representative of Dino J. Nicoletti, deceased, and John A. Nicoletti (collectively, the “Nicolettis”) submitted a Notice of Settlement of this matter and a Stipulation requesting that the Court approve the parties’ Purchase and Sale and Settlement Agreement and Mutual Release (the “Agreement”).
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24 2. Pursuant to the Agreement, the Nicolettis’ insurers were to make a settlement payment of \$4.25 million to ExxonMobil by March 21, 2017 and ExxonMobil was to purchase certain properties from the Nicolettis for \$2.5 million with a closing date on or before March 31, 2017, among other things.
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1 3. On February 13, 2017, the Court entered an Order approving the Agreement and
2 setting a telephonic status conference for April 10, 2017 at 3:30 p.m.

3 4. The Nicolettis' insurers did not make the settlement payment by March 21, 2017;
4 however, they are expected to do so by April 23, 2017.

5 5. On March 29, 2017, the parties entered into Amendment No. 1 to the Agreement
6 which, among other things, extended the payment schedules in the Agreement and extended the
7 closing date to May 5, 2017.

8 6. The parties respectfully request that the Court continue the telephonic status
9 conference to two weeks after the May 5, 2017 closing date.

10 Respectfully Submitted,

11 DATED: April 4, 2017

LEWIS BRISBOIS BISGAARD & SMITH LLP

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13 By: /s/ Berj K. Parseghian

14 Berj K. Parseghian
15 Attorneys for Plaintiff
16 ExxonMobil Oil Corporation

TATRO TEKOSKY SADWICK LLP

17 By: /s/ Steven R. Tekosky (as authorized
18 on April 4, 2017)

19 Steven R. Tekosky
20 Attorney for Defendants
21 Nicoletti Oil, Inc., Floretta A. Nicoletti, personal
22 representative of Dino J. Nicoletti, deceased,
23 and John A Nicoletti
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ORDER

Having reviewed the stipulation of the parties and good cause appearing therefor, IT IS
HEREBY ORDERED THAT the telephonic status conference in this matter set for
April 10, 2017 is continued to May 22, 2017 at 1:30 p.m. in Courtroom 2 before Hon. Anthony
W. Ishii.

IT IS SO ORDERED.

Dated: April 5, 2017



SENIOR DISTRICT JUDGE