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8 *Company (U.S.) Inc.*

9 Please see continuation page for a complete list  
of parties and their counsel  
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11  
12 UNITED STATES DISTRICT COURT  
13 EASTERN DISTRICT OF CALIFORNIA

14 ALLIED WORLD NATIONAL  
ASSURANCE COMPANY, a New  
15 Hampshire corporation, and ALLIED  
WORLD ASSURANCE COMPANY (U.S.)  
16 INC., a Delaware corporation,

17 Plaintiffs,

18 v.

19 SK PM CORP., a California corporation aka  
"S.K. Foods PM Corp.," SK FOODS, L.P., a  
20 California limited partnership, FREDERICK  
SCOTT SALYER, an individual,  
21 BLACKSTONE RANCH, a California  
corporation aka "Blackstone Ranch Calif 'S'  
22 Corp.," SCOTT SALYER REVOCABLE  
TRUST, a trust, THE CAROLINE GAZELLE  
23 SALYER IRREVOCABLE TRUST, a trust,  
THE STEFANIE ANN SALYER  
24 IRREVOCABLE TRUST, a trust, SS FARMS,  
LLC, a California limited liability company,  
25 SK FOODS, LP

26 (caption continued on next page)  
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Case No. 1:10-CV-01262-LJO-JLT

**STIPULATION AND ORDER  
CONTINUING DEADLINES**

(Doc. 154)

1 401K PLAN, an ERISA plan aka “SK Foods  
2 L.P. Blackstone Ranch & SK Foods L.P. 401K  
3 Plan,” SARS, LLC, a California limited  
4 liability company, CSSS LP, a California  
5 limited partnership d/b/a Central Valley  
6 Shippers, SK FOODS LLC, a Nevada limited  
7 liability company, S.K. FOODS PM CORP., an  
8 entity or a d/b/a of unknown legal capacity,  
9 SKF AVIATION, LLC, a California limited  
10 liability company, SSC FARMING, LLC, a  
11 California limited liability company, RHM  
12 INDUSTRIAL/SPECIALTY FOODS, INC., a  
13 California corporation d/b/a Colusa County  
14 Canning Company and d/b/a SK Foods –  
15 Colusa Canning, CARMEL WINE  
16 MERCHANTS LLC, a California limited  
17 liability company, CIRCLE PACIFIC LTD., a  
18 New Zealand company, SUNRISE COAST  
19 JAPAN, an entity or a d/b/a of unknown legal  
20 capacity, SSC FARMS I, LLC, a California  
21 limited liability company, SSC FARMS II,  
22 LLC, a California limited liability company,  
23 SK FARM SERVICES, LLC, a California  
24 limited liability company, SK FROZEN  
25 FOODS, LLC, a California limited liability  
26 company, SALYER AMERICAN  
27 INSURANCE SERVICES, a California limited  
28 liability company, SSC FARMS III, LLC, a  
California limited liability company, SALYER  
AMERICAN COOLING, a general  
partnership, , and SALYER AMERICAN  
FRESH FOODS, a California corporation,

Defendants.

Continuation Page

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12	Kimberly Anne Wright	<i>Counsel for Frederick Scott Salyer individually and as trustee for the Scott Salyer Revocable Trust, SK PM Corp., aka "S.K. Foods PM Corp.," Blackstone Ranch, aka "Blackstone Ranch Calif 'S' Corp.," SS Farms, LLC, CSSS LP, d/b/a Central Valley Shippers, S.K. Foods PM Corp., SSC Farming LLC, SSC Farms I, LLC, SSC Farms II, LLC, SSC Farms III, LLC, and SK Farm Services, LLC</i>
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1 As the parties have previously reported to the Court, all parties to this action were  
2 involved in extensive settlement discussions earlier this year. Although a settlement in principle  
3 was reached as to all parties, that settlement ultimately fell through when certain defendants  
4 unexpectedly backed out of the agreement. Since that time, plaintiffs and all but a few defendants  
5 have continued their efforts to reach a resolution of this matter that would not necessitate  
6 additional discovery and motion practice.

7 The parties' efforts to reach a settlement have been slow going for a number of reasons.  
8 First, in April 2013, then counsel for the "Salyer Parties" (all defendants except for the Chapter  
9 11 Trustee) moved and received approval from the Court to withdraw as counsel as to all but four  
10 defendants. New counsel then needed to get up to speed. Second, there has, at times, been  
11 considerable confusion as to what persons have authority to enter into a settlement agreement on  
12 behalf of certain entities – even by those entities' own counsel. Third, defendant Scott Salyer,  
13 who controls a number of other entity defendants, now resides in prison, and therefore  
14 communications with Mr. Salyer are necessarily slower than they might otherwise be.

15 Finally, on or about October 4, 2013, the Bankruptcy Court for the Eastern District of  
16 California entered a judgment in the action captioned *Sharp v. Salyer, et al.*, Adversary  
17 Proceeding No. 10-02014, ordering that certain of the defendants in this action, the "Sub-Con  
18 Parties," among others, are substantively consolidated with the Chapter 11 bankruptcy estate for  
19 SK Foods, L.P. ("SK Foods") and RHM Industrial/Specialty Foods, Inc. ("RHM") (collectively  
20 the "Debtors").<sup>1</sup> The order provides that all legal or equitable interests in property held by the  
21 Sub-Con Parties as of May 5, 2009, the proceeds, product, offspring, rents, or profits from such  
22 property, and property acquired by the Sub-Con Parties after May 5, 2009 (collectively the  
23 "Assets") now constitute property of the Debtors' Estate under 11 U.S.C. § 541(a), and title to the  
24 assets is vested in the Chapter 11 Trustee, who is solely authorized to dispose of the Assets,  
25 subject only to the requirements of the Bankruptcy Code and the Bankruptcy Court. The  
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27 <sup>1</sup> The "Sub-Con Parties" include SK PM Corp., aka "S.K. Foods PM Corp.," Blackstone Ranch,  
28 aka "Blackstone Ranch Calif 'S' Corp.," SS Farms, LLC, SSC Farming LLC, SSC Farms I, LLC,  
SSC Farms II, LLC, and SSC Farms III, LLC.

1 Bankruptcy Court’s order is being appealed. The parties have had to address this development in  
 2 their settlement plans.

3 Despite the complications discussed above, plaintiffs and all but four of the defendants  
 4 have reached what they believe will be a mutually agreeable settlement and have made substantial  
 5 progress towards documenting that settlement. Plaintiffs remain hopeful that they will be able to  
 6 resolve this matter as to the other four defendants as well.

7 On April 19, 2013, the Court entered an Order Amending Scheduling Order amending the  
 8 trial date and scheduling deadlines for this action.

9 In light of the fact that this action can likely be resolved as to most if not all of the  
 10 remaining defendants without any additional discovery or motion practice, the parties believe that  
 11 good cause exists to continue certain deadlines in this action. In particular, the parties believe  
 12 that good cause exists to continue the deadlines below appearing in bold font in the following  
 13 chart, which contains all of the dates from the Order Amending Scheduling Order:

Deadline/Event	Current Date	Proposed Date
Initial disclosures:	6/21/13	passed
<b>Non expert discovery:</b>	11/29/13	<b>1/29/14</b>
<b>Expert disclosure:</b>	12/13/13	<b>2/12/14</b>
<b>Rebuttal expert disclosure:</b>	1/3/14	<b>3/5/14</b>
<b>Expert discovery:</b>	1/24/14	<b>3/26/14</b>
<b>Non-dispositive motions:</b>		
<b>Filing deadline:</b>	2/7/14	<b>4/16/14</b>
<b>Hearing deadline:</b>	3/7/14	<b>5/14/14</b>
Dispositive motions:		
Filing deadline:	3/21/14	unchanged
Hearing deadline:	5/6/14	unchanged
Pretrial conference	6/25/14 at 8:30 a.m.	unchanged
Trial	8/26/14 at 8:30 a.m.	unchanged

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1 NOW THEREFORE, the parties, through counsel, hereby STIPULATE and REQUEST  
2 that the Court enter an Order that the scheduling order's deadlines are further amended as  
3 follows:

- 4 1. Initial disclosures: 6/21/13
- 5 2. Non expert discovery: 1/29/14
- 6 3. Expert disclosure: 2/12/14
- 7 4. Rebuttal expert disclosure: 3/5/14
- 8 5. Expert discovery: 3/26/14
- 9 6. Non-dispositive motions:  
10 Filing deadline: 4/16/14  
Hearing deadline: 5/14/14
- 11 7. Dispositive motions:  
12 Filing deadline: 3/21/14  
Hearing deadline: 5/6/14
- 13 8. Pretrial conference: 6/25/14 at 8:30 a.m.
- 14 9. Trial: 8/26/14 at 8:30 a.m.

11 Dated: November 20, 2013

TROUTMAN SANDERS LLP

12  
13 By: /s/ Peter R. Lucier

14 Terrence R. McInnis  
15 Kevin F. Kieffer  
16 Peter R. Lucier

17 *Attorneys for Plaintiffs Allied World National  
18 Assurance Company and Allied World Assurance  
19 Company (U.S.) Inc.*

18 Dated: November 20, 2013

LAW OFFICES OF DAVID C. WINTON

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20 By: /s/ David C. Winton (as authorized 11/18/13)

21 David C. Winton

22 *Counsel for SARS, LLC, SK Foods LLC, SKF  
23 Aviation, LLC, and SK Frozen Foods, LLC*

24 Dated: November 20, 2013

SCHNADER HARRISON SEGAL & LEWIS LLP

25  
26 By: /s/ Kathryn N. Richter (as authorized 11/15/2013)

27 Gregory C. Nuti  
28 Kevin W. Coleman  
Kathryn N. Richter

*Counsel for Bradley D. Sharp, Chapter 11 Trustee*

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Dated: November 20, 2013

LAW OFFICE OF KIMBERLY A WRIGHT ESQ.

By: Kimberly Anne Wright (as authorized 11/18/2013)  
Kimberly Anne Wright

*Counsel for Frederick Scott Salyer individually and as trustee for the Scott Salyer Revocable Trust, SK PM Corp., aka "S.K. Foods PM Corp.," Blackstone Ranch, aka "Blackstone Ranch Calif 'S' Corp.," SS Farms, LLC, CSSS LP, d/b/a Central Valley Shippers, S.K. Foods PM Corp., SSC Farming LLC, SSC Farms I, LLC, SSC Farms II, LLC, SSC Farms III, LLC, and SK Farm Services, LLC*

Dated: November 20, 2013

LAW OFFICE OF STEPHANIE J. FINELLI

By: Stephanie J. Finelli (as authorized 11/18/2013)  
Stephanie J. Finelli

*Counsel for Robert Pruett, Trustee for the Caroline Gazelle Salyer 1999 Irrevocable Trust, the Caroline Gazelle Salyer 2007 Irrevocable Trust, the Stefanie Ann Salyer 1999 Irrevocable Trust and the Stefanie Ann Salyer 2007 Irrevocable Trust*

**CERTIFICATION**

Pursuant to Local Rule 131(e), I, PETER R. LUCIER, certify that on November 15, 2013 Kathryn N. Richter, and on November 18, 2013, Stephanie J. Finelli, Kimberly Anne Wright, and David C. Winton, authorized me to submit this Stipulation and [Proposed] Order Continuing Deadlines on their behalf.

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**ORDER**

Pursuant to the foregoing, this Court hereby **ORDERS**:

1. The scheduling order is amended as follows:

- 1. Non expert discovery: 1/29/14
- 2. Expert disclosure: 2/12/14
- 3. Rebuttal expert disclosure: 3/5/14
- 4. Expert discovery: 3/26/14
- 5. Non-dispositive motions:<sup>2</sup>
  - Filing deadline: 4/16/14
  - Hearing deadline: 5/14/14

2. Within 45 days of the date of this order and every 45 days thereafter, the parties **SHALL** file a joint report detailing the status of the settlement efforts;

3. **The parties are advised that absolutely no further amendments to the scheduling order will be authorized absent a showing of exceptional good cause. Exceptional good cause does not include ongoing settlement efforts.**

IT IS SO ORDERED.

Dated: November 20, 2013

/s/ Jennifer L. Thurston  
UNITED STATES MAGISTRATE JUDGE

<sup>2</sup> The Court presumes the parties appreciate that under this amended scheduled they will be forced to file dispositive motions without the completion of expert discovery and without the results of any non-dispositive motions.