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10 Attorneys for Plaintiffs VIOLA M. COPPOLA IRREVOCABLE TRUST,
11 GARY COPPOLA, and THE TRUST OF ANTHONY M. COPPOLA

12 UNITED STATES DISTRICT COURT

13 EASTERN DISTRICT OF CALIFORNIA - FRESNO DIVISION

14 VIOLA M. COPPOLA IRREVOCABLE TRUST,
15 GARY COPPOLA, and THE TRUST OF
16 ANTHONY M. COPPOLA;

17 Plaintiffs,

18 v.

19 GREGORY SMITH, an individual; RICHARD
20 LASTER, an individual; and THE JANE HIGGINS
21 NASH TRUST; JANE NASH AS EXECUTOR OF
22 THE ESTATE OF DECATUR HIGGINS,
23 HARLEY MILLER, an individual; CHERYL
24 MILLER, an individual; MARTIN AND MARTIN
25 PROPERTIES, BENART MAIN STREET
26 PROPERTIES, CAL WATER SERVICE
27 COMPANY, the CITY OF VISALIA, NASH
28 PROPERTIES LLC [DOE #1], DAVID H. NASH,
as the successor co-trustee of the WILLIAM P.
NASH and JANE H. NASH REVOCABLE TRUST
[DOE #2], RICHARD P. NASH, as the successor
co-trustee of the WILLIAM P. NASH and JANE H.
NASH REVOCABLE TRUST [DOE #3], and
DOES 4-20, inclusive;

Defendants.

RELATED CROSS AND COUNTER-
CLAIMS

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Case No.: 1:11-CV-01257-AWI-BAM

**STIPULATION TO DISMISS, WITHOUT
PREJUDICE, CALIFORNIA WATER
SERVICE COMPANY'S COUNTER
CLAIM RELATING TO PUNITIVE
DAMAGES ONLY ORDER**

1 Plaintiffs and counter defendants Gary Coppola, the Viola Coppola Irrevocable Trust, and
2 the Anthony M. Coppola Trust (collectively “Coppola”), and defendant and counterclaimant
3 California Water Service Company (“Cal Water”) hereby stipulate and request the Court to enter an
4 order as follows.

5 Whereas, on May 27, 2014 Cal Water filed a Counterclaim against Coppola, filed as
6 Document 216. The Counterclaim includes a request for punitive damages against Coppola.

7 Whereas, the Court previously dismissed another defendant's, Martin and Martin Properties,
8 counterclaim for punitive damages against Coppola on November 12, 2013, the Order filed as
9 Document 147.

10 Coppola and Cal Water hereby stipulate and request that the Court order that Cal Water’s
11 Counterclaim as it relates to relief of punitive damages, only be dismissed without prejudice.
12 Specifically, Paragraphs 39, 44 and Section (e) of the Prayer for Relief shall be dismissed from Cal
13 Water’s Counterclaim.

14 Coppola shall file a responsive pleading within ten (10) days of this Order or June 17, 2014,
15 the current deadline to file a response, whichever is later.

16 It is hereby stipulated.

17 Dated: June 3, 2014

GREBEN & ASSOCIATES

18 /s/ Jan A. Greben

19 _____
Jan A. Greben
Brett A. Boon
Attorneys for Plaintiffs VIOLA
20 COPPOLA IRREVOCABLE TRUST,
21 GARY COPPOLA, and the TRUST OF
22 ANTHONY M. COPPOLA

23 Dated: June 3, 2014

WOOD, SMITH, HENNING &
BERMAN LLP

25 /s/ Patrick S. Schoenburg

26 _____
David F. Wood
Patrick S. Schoenburg
Attorneys for Defendant CALIFORNIA
27 WATER SERVICE COMPANY
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ORDER

Pursuant to the Parties' stipulation, it is HEREBY ORDERED THAT:

1. Paragraphs 39, 44 and Section (e) of the prayer for Relief are hereby dismissed from Cal Water's Counter claim without prejudice.
2. Coppola shall file a responsive pleading within (10) days of this Order or June 17, 2014, the current deadline to file a response, whichever is later.
3. This action remains pending as to the remaining claims.

IT IS SO ORDERED.

Dated: June 3, 2014



SENIOR DISTRICT JUDGE