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

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA - FRESNO DIVISION

THE VIOLA M. COPPOLA IRREVOCABLE TRUST, GARY COPPOLA, and THE TRUST OF ANTHONY M. COPPOLA; Plaintiffs, v. PARAGON CLEANERS (formerly sued as GREGORY SMITH, an individual); et al. Defendants. RELATED CROSS AND COUNTER-CLAIMS	Case No.: 1:11-CV-01257-AWI-BAM **STIPULATION AND ORDER SUBSTITUTING PARTIES AND DIRECTING CLERK TO AMEND CAPTION**

Plaintiffs Viola Coppola, Gary Coppola, and the Trust of Anthony M. Coppola (collectively "Plaintiffs") and cross-defendants, David H. Nash and Richard P. Nash (collectively "Nash Defendants") hereby stipulate to substitute to correct the identity of the trust names under which cross-defendants are name in Plaintiffs' Sixth Amended Complaint as follows.

Whereas, Plaintiffs named the Jane Higgins Nash Trust ("Trust") as a defendant in their initial complaint, being ignorant of the Trust's successor trustees.

Whereas, on January 24, 2014, Plaintiffs and the Nash Defendants (collectively "the Parties") entered into a stipulation to join the Nash Defendants to Plaintiff's Complaint as Doe 2 and Doe 3, respectively, based on the information and belief that these parties were successor trustees to the William P. Nash and Jane H. Nash Revocable Trust ("Revocable Trust"), and under

the belief that this trust was a successor trust or successor owner of the property that is at issue in this case.

Whereas, the Court entered the order, filed as Document 199, and the Nash Defendants were added as Doe 2 and Doe 3 in this case as trustees for the Revocable Trust.

Whereas, since joining the Nash Defendants, Plaintiffs have learned through discovery that these trustees were erroneously sued under the Revocable Trust, which is a different Nash trust, and Plaintiffs wish to correct the identification of the true identity so that the Nash Defendants are named in their correct capacity.

Whereas, the deadline to move to amend the pleadings and add parties is September 30, 2015, and the Parties wish to comply with this deadline and bring this stipulation in good faith.

The Parties hereby stipulate to substitute the parties as follows:

1. The current parties to the Complaint, namely:
    a. Doe 2, David H. Nash as the successor co-trustee of the William P. Nash and Jane H. Nash Revocable Trust; and
    b. Doe 3, Richard P. Nash as the successor co-trustee of the William P. Nash and Jane H. Nash Revocable Trust.
2. Shall be replaced with the parties as follows ("Successor Defendants"):
    a. Doe 2, David H. Nash as successor trustee of the Jane Nash Trust, a trust created under the terms of the Last Will and Testament of Mabel Elaine Higgins, formerly known as the Mabel Elaine Higgins Testamentary Trust and commonly known as the Jane Higgins Nash Trust.
    b. Doe 3, Richard P. Nash as successor trustee of the Jane Nash Trust, a trust created under the terms of the Last Will and Testament of Mabel Elaine Higgins, formerly known as the Mabel Elaine Higgins Testamentary Trust and commonly known as the Jane Higgins Nash Trust.

The Successor Defendants shall be added to the allegations and claims existing against the Jane Higgins Nash Trust as if they were fully set forth against the Successor Defendants, and each of them. The answer filed by the Jane Higgins Nash Trust will serve as the answer on behalf of

each of the Successor Defendants as if it were fully set forth by each of the Successor Defendants individually.

The Plaintiffs are hereby added, on behalf of the Successor Defendants, to the allegations and counterclaims made by the Jane Higgins Nash Trust as if they were fully set forth against the Plaintiffs, and each of them, in the answer and counterclaims filed by the Jane Higgins Nash Trust.

As a result of the above stipulation, Plaintiffs hereby dismiss without prejudice from their complaint, David H. Nash as the successor co-trustee of the William P. Nash and Jane H. Nash Revocable Trust; and Richard P. Nash as the successor co-trustee of the William P. Nash and Jane H. Nash Revocable Trust, only.

Date: August 20, 2015

GREBEN & ASSOCIATES

/s/ Jan A. Greben
Jan A. Greben
Christine M. Monroe
Attorneys for the Viola M. Coppola Irrevocable Trust, Gary Coppola and the Trust of Anthony M. Coppola

Date: August 20, 2015

WILLIAMS, BRODERSEN & PRITCHETT LLP

/s/ Steven R. Williams
Steven R. Williams
Attorneys for The Jane Higgins Nash Trust; Jane Nash as Executor of the Estate of Decatur Higgins AKA the Estate of Mabel Elaine Higgins; Nash Properties, LLC, David H. Nash, as the successor co-trustee of the William P. Nash and Jane H. Nash Revocable Trust, and Richard P. Nash, as the successor co-trustee of the William P. Nash and Jane H. Nash Revocable Trust

ORDER

Based on the agreement of the parties, the stipulation is GRANTED in full. The Clerk of the Court SHALL substitute the parties as follows:

1. The current parties to the Complaint, namely:
    a. David H. Nash as the successor co-trustee of the William P. Nash and Jane H. Nash Revocable Trust; and
    b. Richard P. Nash as the successor co-trustee of the William P. Nash and Jane H. Nash Revocable Trust.
2. Shall be replaced with the parties as follows ("Successor Defendants"):
    a. David H. Nash as successor trustee of the Jane Nash Trust, a trust created under the terms of the Last Will and Testament of Mabel Elaine Higgins, formerly known as the Mabel Elaine Higgins Testamentary Trust and commonly known as the Jane Higgins Nash Trust.
    b. Richard P. Nash as successor trustee of the Jane Nash Trust, a trust created under the terms of the Last Will and Testament of Mabel Elaine Higgins, formerly known as the Mabel Elaine Higgins Testamentary Trust and commonly known as the Jane Higgins Nash Trust.

IT IS SO ORDERED.

Dated: **August 27, 2015**

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE