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9 Attorneys for Cross-Defendants,
10 David H. Nash and Richard P. Nash
11 as the successor co-trustees of the
12 William P. Nash and Jane H. Nash
13 Revocable Trust and the Jane Higgins
14 Nash Trust.

9 **UNITED STATES DISTRICT COURT**
10 **EASTERN DISTRICT OF CALIFORNIA**

11 THE VIOLA M. COPPOLA IRREVOCABLE) Case No. 1:11-CV-01257-AWI-BAM
12 TRUST, GARY COPPOLA and THE TRUST)
13 OF ANTHONY COPPOLA,)

14 Plaintiffs,)

13 **STIPULATION AND ORDER**
14 **SUBSTITUTING PARTIES**

15 vs.)

16 PARAGON CLEANERS, INC. (formerly sued)
17 as GREGORY SMITH, an individual;)
18 RICHARD LASTER, an individual; JANE)
19 NASH as Trustee of the JANE HIGGINS)
20 NASH TRUST; JANE NASH as EXECUTOR)
21 of the ESTATE OF DECATUR HIGGINS aka)
22 the ESTATE OF MABEL ELAINE HIGGINS;)
23 HARLEY MILLER, an individual; CHERYL)
24 MILLER, an individual; MARTIN AND)
25 MARTIN PROPERTIES; CALIFORNIA)
WATER SERVICE COMPANY; the CITY OF)
VISALIA; NASH 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];)
VISALIA UNIFIED SCHOOL DISTRICT; and)
DOES 4-20, inclusive,)

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Defendants.)

AND RELATED CROSS AND COUNTER-CLAIMS.)

Cross-complainants and counter-claimants PARAGON CLEANERS, INC. (formerly sued as GREGORY SMITH, an individual) and RICHARD LASTER, (collectively “Cross-complainants”) and cross-defendants, David H. Nash and Richard P. Nash (collectively “Nash Defendants”) hereby stipulate to substitute parties to correctly identify the trust names under which cross-defendants are named in Cross-complainants’ Amended Cross-Complaint as follows.

Whereas, Cross-complainants named the William P. Nash and Jane H. Nash Revocable Trust (“Revocable Trust”) as a cross-defendant in their cross-complaint, being ignorant of the lack of ownership, operation, or control by the Revocable Trust of the Paragon Cleaners Property which, at one time, was owned by the Jane Higgins Nash Trust created under the Will of Mabel Elaine Higgins.

Whereas, since joining the Nash Defendants, Cross-complainants have learned through discovery that these trustees were erroneously sued under the Revocable Trust, which is a different Nash trust, and Cross-complainants 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 Cross-Complaint, namely:
 - a. David H. Nash as the successor co-trustee of the William P. Nash and Jane H. Nash Revocable Trust; and

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- 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 Cross-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.

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

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

As a result of the above stipulation, Cross-complainants hereby dismiss without prejudice from their cross-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.

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Date: August 28, 2015

GUALCO LAW

/s/ Lori J. Gualco as authorized on 8/28/15
Lori J. Gualco
Attorneys for Defendants/Cross Complainants
Paragon Cleaners, Inc. (formerly sued as Gregory
Smith) and Richard Laster

Date: August 28, 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 the Jane Higgins Nash
Trust, and Richard P. Nash, as the successor co-
trustee of the William P. Nash and Jane H. Nash
Revocable Trust and the Jane Higgins Nash 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 Cross-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 Cross-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,

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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: September 1, 2015

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE