

Richard D. Marca, Bar #127365
Richard.Marca@GreshamSavage.com

Jamie Wrage, Bar #188982
Jamie.Wrage@GreshamSavage.com

Jeff Olsen, Bar #283249
Jeff.Olsen@GreshamSavage.com

**GRESHAM SAVAGE NOLAN & TILDEN,
A Professional Corporation**
550 E. Hospitality Lane, Suite 300
San Bernardino, CA 92408-4205
Telephone: (951) 684-2171
Facsimile: (951) 684-2150

Attorneys for Defendants,
AGRESERVES, INC. dba SOUTH VALLEY FARMS,
improperly named as SOUTH VALLEY FARMS dba
SOUTH VALLEY ALMOND COMPANY, LLC.;
GEORGE CAMPO, an individual; and
JAY PAYNE, an individual

KARL A. GERBER (State Bar No. 166003)
ANN GULESER (State Bar No. 210790)

aguleser@emplaw.net
EMPLOYMENT LAWYERS GROUP
13418 Ventura Boulevard
Sherman Oaks, California 91423
Telephone: (818) 783-7300

Attorneys for Plaintiff
JUAN CARLOS ROBLES

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION**

JUAN CARLOS ROBLES, an individual;)	CASE NO. 1:14-CV-00540-AWI-JLT
)	
Plaintiff,)	PARTIES' JOINT STIPULATION FOR
)	DISMISSAL OF DEFENDANT
vs.)	AGRESERVES, INC.'S COUNTER-
)	CLAIM AGAINST PLAINTIFF IN
AGRESERVES, INC.; THE CHURCH OF)	EXCHANGE FOR WAIVER OF COSTS
JESUS CHRIST OF LATTER DAY SAINTS;)	AND TO VACATE HEARING DATES
SOUTH VALLEY FARMS dba SOUTH)	AND ORDER THEREON
VALLEY ALMOND COMPANY, LLC;)	
JORGE CAMPOS, an individual; JAY)	
PAYNE, an individual; and DOES 1 through)	
100, inclusive)	
)	
Defendants.)	

1 AGRESERVES, INC.,)
 2 COUNTERCLAIMANT,)
 3 vs.)
 4 JUAN CARLOS ROBLES, an individual; and)
 5 ROES 1 through 10, inclusive,)
 6 COUNTER-Defendants.)

7 WHEREAS, a Jury Trial for all claims in this civil action began on March 22, 2016,
 8 except for the sole counter-claim by Defendant AgReserves, Inc. (“AgReserves”) against
 9 Plaintiff Juan Carlos Robles (“Plaintiff”), and the claim by Plaintiff against AgReserves for
 10 alleged violation of California Business and Professions Code §17200 et seq. unfair business
 11 practice;

12 WHEREAS, on March 29, 2016, the Jury reached a verdict in favor of all Defendants on
 13 all claims before them;

14 WHEREAS, on March 30, 2016, Judgment was entered in favor of all Defendants in
 15 accordance with the Jury verdict rendered on March 29, 2016;

16 WHEREAS, the Court indicated it would dismiss Plaintiff’s claim against AgReserves
 17 for alleged violation of California Business and Professions Code § 17200 et seq. in accordance
 18 with the testimony and evidence presented at trial;

19 WHEREAS, the trial on the Counter-Claim by AgReserves against Plaintiff was not
 20 previously adjudicated by the jury, and a bench trial is currently scheduled pending before Hon.
 21 Anthony W. Ishii of this Court on that claim (“the Counter-Claim”);

22 WHEREAS, Plaintiff and AgReserves wish to stipulate for a dismissal of the Counter
 23 Claim in exchange for a mutual waiver of costs and fees between the parties as well as Plaintiff’s
 24 promise not to pursue appeal of the jury verdict or motion for new trial;

25 ///

26 ///

27 ///

1 THEREFORE, the Parties hereby stipulate as follows:

2 (1) the sole Counter-Claim by AgReserves against Plaintiff shall be dismissed by the
3 Court with prejudice;

4 (2) the claim by Plaintiff against AgReserves for alleged violation of California Business
5 and Professions Code §17200 et seq. shall be dismissed by the Court with prejudice;

6 (3) each party agrees to mutually waive the right to any attorneys' fees or costs from the
7 other party for any claim in this action, and each party agrees to bear their own fees and costs
8 moving forward relating to this matter;

9 (4) in exchange for the mutual promises contained herein, Final Judgment shall be
10 entered in favor of AgReserves, Jay Payne and George Campo consistent with the Jury verdict,
11 and Plaintiff agrees he will not pursue appeal of the jury verdict or motion for a new trial; and

12 (5) the trial dates currently scheduled for the bench trial for the Counter-Claim and claim
13 for alleged violation of California Business and Professions Code §17200 et seq. be vacated as
14 moot, consistent with this stipulation and order.

15
16 **IT IS SO STIPULATED.**

17 DATED: April 13, 2016

GRESHAM SAVAGE NOLAN & TILDEN,
A Professional Corporation

19 By: /s/ Richard D. Marca

20 Richard D. Marca
21 Jamie Wrage
22 Jeff Olsen
23 Attorneys for Defendants,
AGRESERVES, INC. dba SOUTH VALLEY
FARMS, GEORGE CAMPO, and JAY
PAYNE

24 DATED: April 13, 2016

EMPLOYMENT LAWYERS GROUP

25 By: /s/ Ann Guleser

26 Karl Gerber
27 Ann Guleser
28 Attorneys for Plaintiff,
JUAN CARLOS ROBLES

1 IT IS SO ORDERED.

2 Dated: April 14, 2016

3 
4 SENIOR DISTRICT JUDGE

PROOF OF SERVICE
STATE OF CALIFORNIA, COUNTY OF SAN BERNARDINO

Re: *Juan Carlos Robles v. AgReserves, Inc, et al.* United States District Court Case No. 1:14-CV-00540-AWI-JLT

I am employed in the County of San Bernardino, State of California. I am over the age of 18 years and not a party to the within action; my business address is: 550 East Hospitality Lane, Suite 300, San Bernardino, CA 92408. On April 13, 2016, I served copies of the within documents described as **PARTIES' JOINT STIPULATION FOR DISMISSAL OF DEFENDANT AGRESERVES, INC.'S COUNTER-CLAIM AGAINST PLAINTIFF IN EXCHANGE FOR WAIVER OF COSTS AND TO VACATE HEARING DATES** on the interested parties in this action in a sealed envelope addressed as follows:

See attached Service List

- ☐ **BY MAIL** - I am "readily familiar" with the firm's practice of collecting and processing correspondence for mailing. Under that practice, it would be deposited with the United States Postal Service on the same day in the ordinary course of business, with postage thereon fully prepaid at San Bernardino, California. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.
- ☒ **BY CM/ECF SYSTEM** - I hereby certify that I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the ECF registrants listed on the attached Service List.
- ☐ **BY PERSONAL SERVICE** - I caused such envelope to be delivered by hand to the offices of the addressee pursuant to C.C.P. § 1011.
- ☐ **BY EXPRESS MAIL/OVERNIGHT DELIVERY** - I caused such envelope to be delivered by hand to the office of the addressee via overnight delivery pursuant to C.C.P. § 1013(c), with delivery fees fully prepaid or provided for.
- ☐ **BY FACSIMILE** - I caused such document to be delivered to the office of the addressee via facsimile machine pursuant to C.C.P. § 1013(e). Said document was transmitted to the facsimile number of the office of the addressee from the office of Gresham Savage Nolan & Tilden, in San Bernardino, California, on the date set forth above. The facsimile machine I used complied with California Rules of Court, Rule 2003(3) and no error was reported by the machine. Pursuant to California Rules of Court, Rule 2009(i), I caused the machine to print a record of the transmittal, a copy of which is attached to this declaration.
- ☐ **BY ELECTRONIC/EMAIL** - I caused such document to be delivered to the office of the addressee via electronic e-mail pursuant to C.C.P. § 1013(a). Said document was transmitted to the email address of that office which is listed on the above Service List. Said document was served electronically and the transmission was reported as complete and without error.
- ☐ **FEDERAL** - I am employed in the office of a member of the bar of this court at whose direction the service was made.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on April 13, 2016, at San Bernardino, California.

/s/ Madison Montgomery
Madison Montgomery

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SERVICE LIST

Re: *Juan Carlos Robles v. AgReserves, Inc, et al.* United States District Court Case No. 1:14-CV-00540-AWI-JLT

Karl Gerber, Esq. [kgerber@emplaw.net]
Ann Guleser, Esq. [aguleser@emplaw.net]
EMPLOYMENT LAWYERS GROUP
13418 Ventura Boulevard
Sherman Oaks, CA 91422
Telephone: (818) 783-7300
Facsimile: (818) 995-7159

***Attorneys for Plaintiff, JUAN CARLOS
ROBLES***

A copy to chambers is to be delivered as follows:

Hon. Anthony W. Ishii (courier delivery)
United States District Court – Eastern District
Robert E. Coyle US Courthouse
2500 Tulare Street, Eighth Floor
Fresno, CA 93721

Hon. Jennifer L. Thurston (via U.S. Mail only)
United States District Court – Eastern District
510 19th Street, Suite 200
Bakersfield, CA 93301