1 2 3 4 5 6 7 8	McCormick, Barstow, Sheppard, Wayte & Carruth LLP Marshall C. Whitney, #82952 marshall.whitney@mccormickbarstow.com Kristi D. Marshall, #274625 kristi.marshall@mccormickbarstow.com 7647 North Fresno Street Fresno, California 93720 Telephone: (559) 433-1300 Facsimile: (559) 433-2300 Attorneys for JOHN ROBERTS and TEXAS ENVIRONMENTAL PRODUCTS, INC.	
9 10	UNITED STATES	DISTRICT COURT
	EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION	
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12	ARIEL ELIA, individually and as Successor	Case No. 1:16-CV-00557-AWI-EPG
13	Trustee to the Alan Elia Declaration of Trust Dated March 18, 2002,	STIPULATION AND ORDER TO STAY
14 15	Plaintiff,	ENFORCEMENT AND EXECUTION OF JUDGMENT UNTIL RESOLUTION OF
	V.	POST-TRIAL MOTIONS
16	JOHN ROBERTS, an individual; TEXAS	
17 18	ENVIRONMENTAL PRODUCTS, INC., a Texas corporation; and TEXAS ENVIRONMENTAL PRODUCTS, a	Trial Date: October 31, 2017
19	partnership, joint venture or other form of business organization unknown, and DOES 1 through 20, inclusive,	
20	Defendant.	
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22	This Stipulation is made and entered into b	between Plaintiff ARIEL ELIA, individually and as
23	Successor Trustee to the Alan Elia Declaration	of Trust Dated March 18, 2002 ("Plaintiff") and
24	Defendants JOHN ROBERTS and TEXAS ENVIRONMENTAL PRODUCTS, INC. ("Defendants"),	
25	by and through their respective counsel, with refe	erence to the following:
26	<u>R E C I T A L S</u>	
27	WHEREAS, on November 14, 2017, the jury delivered their Verdict following the trial of this	
28	action;	
MCCORMICK, BARSTOW, SHEPPARD, WAYTE & CARRUTH LLP 7647 NORTH FRESNO STREET FRESNO, CA 93720		1 Y ENFORCEMENT AND EXECUTION OF JUDGMENT OF POST-TRIAL MOTIONS Dockets.Justia.co

1	WHEREAS, on November 14, 2017, Judgment was entered in the above-entitled action;
2	WHEREAS, Plaintiff and Defendants agree to stay enforcement of the Judgment until
3	fourteen (14) days after the Court enters an order ruling on the post-trial motions set for hearing on
4	January 8, 2018;
5	WHEREAS, in consideration for Plaintiff's agreement to stay enforcement of the Judgment as
6	set forth above, Defendants agree not to transfer, encumber, or dispose of any assets of TEXAS
7	ENVIRONMENTAL PRODUCTS, INC. ("TEP")outside the ordinary course of business and
8	specifically agree that there will be no distributions or payments to John Roberts from the funds
9	anticipated to be received on or about December 9, 2017 from the sale of assets to the Ericksons;
10	provided, however, TEP may pay its attorneys' fees incurred in this action
11	STIPULATION
12	IT IS HEREBY STIPULATED, by and between Plaintiff and Defendants, by and through
13	their respective counsel, that:
14	1. Plaintiff will stay enforcement of the Judgment until fourteen (14) days after the Court
15	enters an order ruling on the post-trial motions set for hearing on January 8, 2018; and
16	2. In consideration of Plaintiff's agreement to stay enforcement of the Judgment as set
17	forth above, Defendants agree not to transfer, encumber, or dispose of any assets of TEXAS
18	ENVIRONMENTAL PRODUCTS, INC. outside the ordinary course of business and agree not to
19	make any distributions to John Roberts from funds anticipated to be received on or about December 9,
20	2019 from the sale of assets to the Ericksons; provided, however, TEP ;may pay its attorneys' fees
21	inclurred in this action.
22	Dated: December 12 2017 COSTANZO & ASSOCIATES
23	
24	By: /s/Neal E. Costanzo Neal E. Costanzo
25	Attorney for Plaintiff ARIEL ELIA
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McCormick, Barstow, Sheppard, Wayte & Carruth LLP 7647 NORTH FRESNO, CA 93720 TERSNO, CA 93720 MCCORMICK, BARSTOW, SHEPPARD, WAYTE & CARRUTH LLP 7647 NORTH FRESNO STREET FRESNO, CA 93720 MCCORMICK, BARSTOW, SHEPPARD, WAYTE & CARRUTH LLP 7647 NORTH FRESNO STREET FRESNO, CA 93720 MCCORMICK, BARSTOW, SHEPPARD, WAYTE & CARRUTH LLP 7647 NORTH FRESNO STREET FRESNO, CA 93720 MCCORMICK, BARSTOW, SHEPPARD, WAYTE & CARRUTH LLP 7647 NORTH FRESNO STREET FRESNO, CA 93720 MCCORMICK, BARSTOW, SHEPPARD, WAYTE & CARRUTH LLP 7647 NORTH FRESNO STREET FRESNO, CA 93720 MCCORMICK, BARSTOW, STIPULATION AND [PROPOSED] ORDER TO STAY ENFORCEMENT AND EXECUTION OF JUDGMENT UNTIL RESOLUTION OF POST-TRIAL MOTIONS

1	Dated: December 12, 2017 McCORMICK, BARSTOW, SHEPPARD,
2	WAYTE & CARRUTH LLP
3	
4	By: /s/Marshall C. Whitney Marshall C. Whitney
5	Kristi D. Marshall Attorneys for JOHN ROBERTS and TEXAS
6	ENVIRONMENTAL PRODUCTS, INC.
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10	ORDER
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12	IT IS SO ORDERED.
13	Dated: December 15, 2017
14	SENIOR DISTRICT JUDGE
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MCCORMICK, BARSTOW, SHEPPARD, WAYTE & CARRUTH LLP 7647 NORTH FRESNO STREET FRESNO, CA 93720	3 STIPULATION AND [PROPOSED] ORDER TO STAY ENFORCEMENT AND EXECUTION OF JUDGMENT UNTIL RESOLUTION OF POST-TRIAL MOTIONS