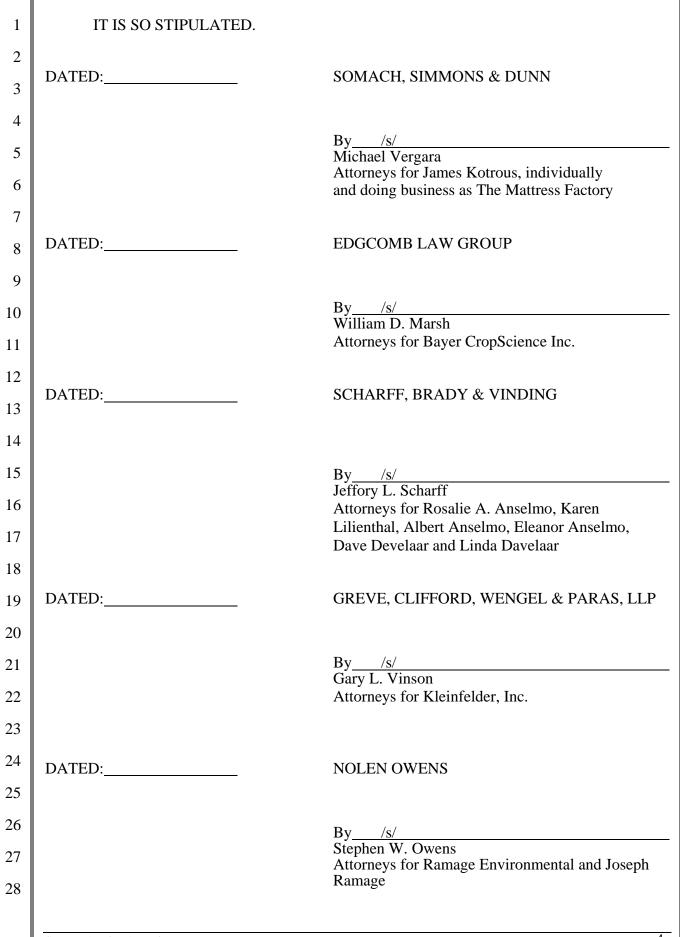
1 2 3 4 5	SOMACH SIMMONS & DUNN A Professional Corporation MICHAEL E. VERGARA, ESQ. (SBN 137689) JOSEPH M. CARPENTER, ESQ. (SBN 233255) 500 Capitol Mall, Suite 1000 Sacramento, California 95814 Telephone: (916) 446-7979 Facsimile: (916) 446-8199 Attorneys for Plaintiffs James Kotrous			
6 7				
8	UNITED STATES DISTRICT COURT			
9	EASTERN DISTRIC	EASTERN DISTRICT OF CALIFORNIA		
10				
11	JAMES KOTROUS, individually and doing business as THE MATTRESS FACTORY,	Case No. CI	V. S-02-1520 FCD JFM	
12	Plaintiffs,			
13	V.	STIPULATIO	ON AND ORDER	
14	GOSS-JEWETT COMPANY OF NORTHERN			
15 16	CALIFORNIA, INC., a California corporation; ESTATE OF ROBERT LAMANET, individually and as an officer of GOSS- JEWETT COMPANY; STEVEN LAMANET,			
17 18	individually and as an officer of GOSS- JEWETT COMPANY; MICHAEL LAMANET, individually and as an officer of GOSS- JEWETT; ROSALIE A. ANSELMO and	Trial Date: Time: Courtroom:	February 1, 2011 9:00 am 2	
19	KAREN L. LILENTHAL, as Co – Trustees under that certain document entitled "The	Judge: Filing Date:	Frank C. Damrell, Jr. July 15, 2002	
20	Edward A. Anselmo and Rosalie A. Anselmo 1992 Revocable Trust," dated December 21, 1992 RAVER CROPSCUENCE NICE - Norm			
21 22	1992; BAYER CROPSCIENCE INC., a New York corporation,			
22	Defendants.			
24	AND RELATED CROSS-ACTIONS.			
25]		
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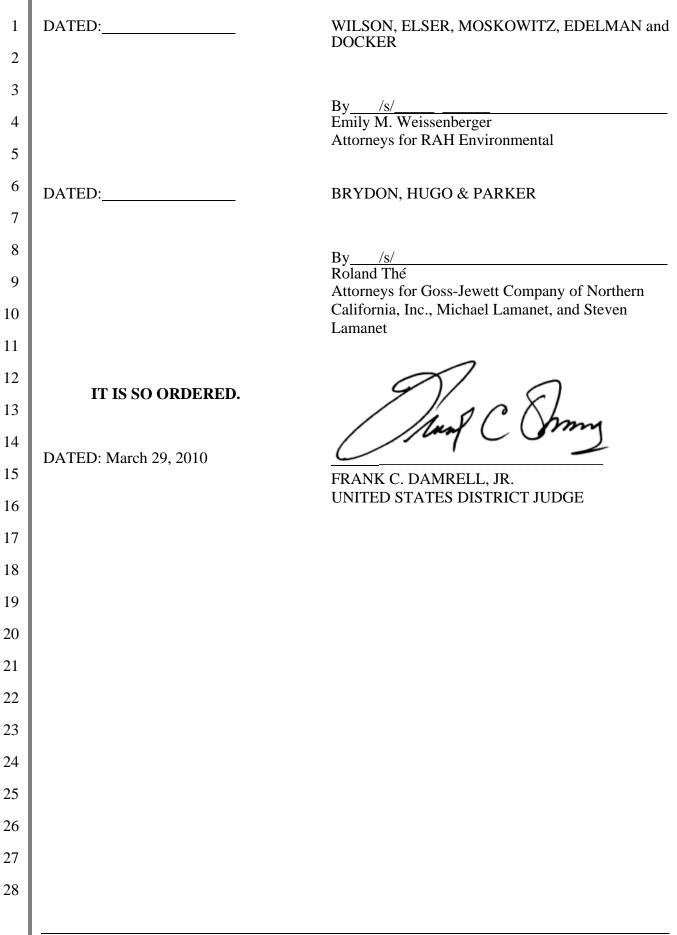
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1	On March 11, 2010, the parties conducted a VDRP mediation session under Civil Local		
2	Rule 271. Through this mediation session, the parties tentatively reached a global settlement		
3	potentially disposing of all the claims asserted in this action. The parties are currently engaged in		
4	preparing the necessary documents to finalize the agreement.		
5	In light of this agreement, IT IS HEREBY STIPULATED by and between the parties		
6	hereto as follows:		
7	Whereas plaintiffs James Kotrous individually and doing business as The Mattress		
8	Factory (Kotrous) commenced this action in July 2002;		
9	Whereas defendant and cross-defendant Bayer CropScience Inc. (Bayer) filed three		
10	motions for summary judgment, or alternatively, summary adjudication against: (1) Kotrous and		
11	defendants; (2) defendants and cross-claimants Michael Lamanet, Stephen Lamanet, Goss-Jewett		
12	Company of Northern California, Inc. (collectively Goss-Jewett); and,(3) defendants and cross-		
13	claimants Rosalie A. Anselmo and Karen L. Lilienthal, Co-Trustees of the "The Edward A.		
14	Anselmo and Rosalie A. Anselmo 1992 Revocable Trust" (Anselmo parties) on January 12 and		
15	14, 2010;		
16	Whereas Goss-Jewett filed a motion to continue the hearing on Bayer's motion in order to		
17	conduct additional discovery, which was joined by the Anselmo parties;		
18	Whereas Michael Lamanet and Stephen Lamanet filed a motion to amend the Court's Pre-		
19	Trial Scheduling Order to enable them to file motions for summary judgment against the		
20	cross-claims of Bayer, Joseph Ramage, and Ramage Environmental;		
21	Whereas other parties filed various other motions for summary judgment and/or motions		
22	to strike;		
23	Whereas the Court granted Goss-Jewett's motion to continue the hearing on Bayer's		
24	motions for summary judgment to allow Goss-Jewett to take certain depositions pursuant to		
25	Rule 56(f) of the Federal Rules of Civil Procedure;		
26	Whereas the Court ordered that said depositions shall be completed within 60 days of the		
27	date of its order, i.e., by no later than April 19, 2010;		
28	///		

1	Whereas the deposition of Duane Comstock is noticed for March 19, 2010, the deposition		
2	of Katherine Wuelzer is noticed for March 22, 2010, the deposition of Kelly Darnell is noticed f		
3	March 23, 2010, and the deposition of Bayer's Rule 30(b)(6) witness is noticed for March 26,		
4	2010;		
5	Whereas the parties tentatively reached a global agreement potentially disposing of all of		
6	the claims in this action on March 11, 2010;		
7	THE PARTIES HEREBY STIPULATE AND AGREE, through their counsel of record,		
8	that:		
9	1. The above-referenced depositions shall be cancelled;		
10	2. The deadline to file documents disposing of this action shall be April 14, 2010,		
11	absent a showing of good cause to extend this date; and		
12	3. In the event the parties fail to completely dispose of this action by April 14, 2010,		
13	Goss-Jewett shall complete the discovery permitted by this Court's February 17, 2010 order		
14	within 30 days, i.e., by no later than May 14, 2010.		
15	4. To further support its motions, Bayer may file and serve amended memoranda and		
16	any supporting evidence, addressing the further discovery, no later than May 21, 2010 in response		
17	to which Goss-Jewett, the Anselmo parties, and Kotrous may file and serve amended oppositions		
18	no later than June 4, 2010;		
19	5. Bayer's replies shall be filed and served no later than June 11, 2010 and the		
20	hearing on these matters shall take place on or after June 18, 2010;		
21	6. The hearing on Michael Lamanet and Stephen Lamanet's motion to amend the		
22	Court's Status (Pre-Trial Scheduling) Order, currently scheduled for April 9, 2010, shall be taken		
23	off calendar until further notice from the Court; and,		
24	7. All pending motions filed by other parties shall be taken off-calendar until further		
25	notice from the Court.		
26	///		
27	///		
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