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Attorneys for Defendant/Counter-Claimant/
Cross-Claimant/Cross-Defendant ROSALIE A.
ANSELMO and KAREN L. LILIENTHAL,
CO-TRUSTEES under that certain document entitled
“THE EDWARD A. ANSELMO AND ROSALIE A.
ANSELMO 1992 REVOCABLE TRUST” dated
December 21, 1992; ALBERT ANSELMO
ELEANOR ANSELMO, DAVE DAVELAAR and LINDA DAVELAAR

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JAMES KOTROUS, individually and doing
business as THE MATTRESS FACTORY,

Plaintiff,

vs.

GOSS-JEWETT COMPANY OF NORTHERN
CALIFORNIA, INC., a California corporation;
ESTATE OF ROBERT LAMANET,
individually and as an officer of GOSS-
JEWETT COMPANY; STEVEN LAMANET,
individually and as an officer of GOSS-
JEWETT COMPANY; MICHAEL LAMANET
individually and as an officer of GOSS-
JEWETT; ROSALIE A. ANSELMO and
KAREN L. LILIENTHAL, as Co – Trustees
under that certain document entitled “The
Edward A. Anselmo and Rosalie A. Anselmo
1992 Revocable Trust,” dated December 21,
1992; BAYER CROPSCIENCE INC., a New
York corporation,

,

Defendants.

Case No.: CIV. S-02-01520 FCD JFM

**STIPULATION AND ORDER TO
EXTEND TIME ON SETTLEMENT
PROCESS**

Trial Date: February 1, 2011
Time: 9:00 am
Courtroom: 2
Judge: Frank C. Damrell, Jr.
Filing Date: July 15, 2002

AND ALL RELATED CROSS-ACTIONS.

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 agreement
3 potentially disposing of all the claims asserted in this action. The parties are currently engaged
4 in preparing the necessary documents to finalize the agreement.

5 On March 29, 2010, this Court issued its order upon stipulation of the parties (the "March
6 29 Order") which initially set April 14, 2010, as the deadline to file documents disposing of the
7 within action and set numerous other deadlines pertaining to this action.

8 On April 13, 2010, insurance carriers to defendants Edward A. Anselmo, deceased;
9 Albert A. Anselmo, deceased; Rosalie Anselmo; Eleanor Anselmo; Dave and Linda Davelaar
10 (collectively the "Anselmo Parties") advised through counsel that said insurance carriers
11 objected to the proposed settlement.

12 On April 13, 2010, counsel for the settling parties were advised as to these objections.
13 After discussions between counsel there was mutual agreement to continue to pursue potential
14 settlement, and counsel for the Anselmo Parties agreed to attempt to resolve the concerns of the
15 Anselmo Parties' insurance carriers.

16 On April 16, 2010, the Court issued its order upon stipulation of the parties which set
17 April 28, 2010, as the deadline to file documents disposing of the within action and set numerous
18 other deadlines pertaining to this action.

19 Thereafter, counsel for the Anselmo Parties requested a statement of objections from all
20 three carriers. To date, only two, Zurich North America and Century Indemnity, have
21 responded. The Hartford has not. The settling parties continue to desire that the matter be
22 settled, and as set forth below, stipulate to a further continuance of the settlement process to
23 allow counsel for the Anselmo Parties to attempt to resolve the objections of their carriers.

24 NOW, THEREFORE, COUNSEL FOR THE PARTIES HEREBY STIPULATE AND
25 AGREE, through their counsel of record, that:

26 1. The deadline to file documents disposing of this action presently set for April 28,
27 2010, shall be extended to May 12, 2010.

1 2. In the event the parties fail to completely dispose of this matter by May 12, 2010,
2 the settling parties request that this Court order carrier representatives of Zurich North America,
3 Century Indemnity and The Hartford, fully authorized to resolve this matter, to appear before the
4 Court on a date to be set by the Court.

5 3. In the event the parties fail to completely dispose of this action by May 12, 2010,
6 the deadline for Goss-Jewett to complete discovery permitted by the Court's February 17, 2010
7 order, shall be extended to June 18, 2010.

8 4. Similarly, to further support its motions for summary judgment, Bayer's deadline
9 to serve amended memoranda and any supporting evidence, addressing the further discovery,
10 shall be extended to July 9, 2010, in response to which Goss-Jewett, the Anselmo Parties and
11 Kotrous may file and serve amended oppositions no later than July 16, 2010.

12 IT IS SO STIPULATED.

13 DATED: _____4/29/10_____

SIMONS, SOMACH & DUNN

15 By: /s/ Michael Vergara (as authorized 4/29/10)
16 Michael Vergara
17 Attorneys for James Kotrous, individually
 and doing business as The Mattress Factory

18 DATED: _____4/29/10_____

EDGCOMB LAW GROUP

20 By: /s/ William D. Marsh (as authorized 4/29/10)
21 William D. Marsh
 Attorneys for Bayer CropScience Inc.

22 DATED: _____4/28/10_____

SCHARFF, BRADY & VINDING

24 By: /s/ Jeffory J. Scharff
25 Jeffory J. Scharff
 Attorneys for Rosalie A. Anselmo, Karen
 Lilienthal, Albert Anselmo, Eleanor Anselmo,
26 Dave Davelaar and Linda Davelaar

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27 ///

1 DATED: 4/29/10

GREVE, CLIFFORD, WENGEL & PARAS, LLP

2
3 By: /s/ Gary L. Vinson (as authorized 4/29/10)
4 Gary L. Vinson
Attorneys for Kleinfelder, Inc.

5 DATED: 5/4/10

NOLEN LAW FIRM

6
7 By: /s/ Rudy Nolen (as authorized 5/4/10)
8 Rudy Nolen
Attorneys for Ramage Environmental and
Joseph Ramage

9 DATED: 4/29/10

WILSON, ELSER, MOSKOWITZ, EDELMAN
and DOCKER

10
11 By: /s/ Emily Weissenberger (as authorized
12 4/29/10)
13 Emily Weissenberger
Attorneys for RAH Environmental


14 DATED: _____

BRYDON, HUGO & PARKER

15
16 By: /s/ Roland Thè (as authorized 4/29/10)
17 Roland Thè
Attorneys for Goss-Jewett Company of Northern
California, Inc., Michael Lamanet and Steven
Lamanet

18
19
20 **IT IS SO ORDERED.**

21 DATED: May 4, 2010

22 
FRANK C. DAMRELL, JR.
UNITED STATES DISTRICT JUDGE