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5 Attorneys for Defendant/Counter-Claimant/  
6 Cross-Claimant/Cross-Defendant ROSALIE A.  
7 ANSELMO and KAREN L. LILIENTHAL,  
8 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**

13 JAMES KOTROUS, individually and doing Case No.: CIV. S-02-01520 FCD JFM  
14 business as THE MATTRESS FACTORY, )  
15 Plaintiff, )  
16 vs. )  
17 GOSS-JEWETT COMPANY OF NORTHERN )  
18 CALIFORNIA, INC., a California corporation; )  
19 ESTATE OF ROBERT LAMANET, )  
20 individually and as an officer of GOSS- )  
21 JEWETT COMPANY; STEVEN LAMANET, )  
22 individually and as an officer of GOSS- )  
23 JEWETT COMPANY; MICHAEL LAMANET, )  
24 individually and as an officer of GOSS- )  
25 JEWETT; ROSALIE A. ANSELMO and )  
26 KAREN L. LILENTHAL, as Co – Trustees )  
27 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. )  
AND ALL RELATED CROSS-ACTIONS. )  
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

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.

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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

## SIMONS, SUMACH & 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

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

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

1 DATED: 4/29/10

GREVE, CLIFFORD, WENGEL & PARAS, LLP

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3

4 DATED: 5/4/10

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

NOLEN LAW FIRM

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7 DATED: 4/29/10

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

WILSON, ELSER, MOSKOWITZ, EDELMAN  
and DOCKER

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11 DATED: \_\_\_\_\_

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

BRYDON, HUGO & PARKER

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15 DATED: \_\_\_\_\_

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

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19 IT IS SO ORDERED.

20 DATED: May 4, 2010



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FRANK C. DAMRELL, JR.  
UNITED STATES DISTRICT JUDGE

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