

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ROBERT BARABINO, No. 2:04-cv-02359-MCE-EFB

Plaintiff,

ORDER

DAN GAMEL, INC.;
FLEETWOOD ENTERPRISES,
INC., FLEETWOOD MOTOR
HOMES OF PA., INC.;

Defendants.

-----oo0oo-----

On March 25, 2009, Plaintiff Robert Barabino, along with counsel for Defendant Dan Gamel, Inc., presented an Amended Stipulation for Entry of Judgment to the Court. Under the terms of that stipulation, which has also been signed by Dan Gamel himself in his capacity as President of Defendant Dan Gamel, Inc., judgment shall be entered in favor of Plaintiff and against Dan Gamel, Inc. in the total sum of \$270,590.20.

111

1 The parties to the stipulation have agreed that said judgment
2 shall be inclusive of any and all attorney fees, costs, and other
3 expenses incurred by Plaintiff in litigating this action against
4 Defendant Dan Gamel, only. Under the terms of the stipulation,
5 however, any judgment entered against Defendant Dan Gamel shall
6 not be construed to preclude Plaintiff from seeking additional
7 damages, attorney fees, costs and expenses, if any, from entities
8 other than Dan Gamel, Inc. and/or its predecessors, successors,
9 assigns, agents, currents and past employees officers, directors,
10 shareholders and owners, parent and subsidiary corporations,
11 trustees, partners, joint venturers, insurers and attorneys.

12 Given the parties' stipulation as outlined above, the Clerk
13 of Court is directed to enter judgment in Plaintiff's favor and
14 against Defendant Dan Gamel, Inc. in the amount of \$270,590.20
15 under the conditions outlined above. In addition, pursuant to
16 the parties' agreement, Plaintiff and/or his successors, assigns,
17 children, spouses, heirs, agents, trustees, attorneys and/or
18 executors shall not execute upon or attempt in any form or
19 fashion to enforce or collect the judgment entered in accordance
20 with this Order for at least 240 days subsequent to the date of
21 Entry of Judgment.

22 Because judgment is to be rendered against Defendant Dan
23 Gamel, Inc., and because an automatic stay in bankruptcy is
24 applicable to the remaining Defendants, Fleetwood Enterprises,
25 Inc. and Fleetwood Motor Homes of Pennsylvania, Inc.
26 ("Fleetwood"), the current trial date of May 11, 2009 is hereby
27 vacated, along with the Final Pretrial Conference set for
28 March 25, 2009.

1 In addition, given Fleetwood's bankruptcy, Plaintiff shall
2 advise the Court, not later than twenty (20) days following the
3 date of this Order, why the remaining claim against Fleetwood is
4 not related, under 28 U.S.C. § 1409(a) to Fleetwood's Chapter 11
5 bankruptcy proceedings pending in the Central District of
6 California, and why this case should not be transferred to the
7 Central District for handling as an adversary action pursuant to
8 28 U.S.C. § 1404(a).

9 IT IS SO ORDERED.

10 Dated: April 3, 2009



MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE