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10 Attorneys for Defendant Premier West Bank

11 IN THE UNITED STATES DISTRICT COURT
 12 FOR THE EASTERN DISTRICT OF CALIFORNIA
 13 (Sacramento Division)

14 DENNIS W. BALL, an individual,
 15 Plaintiff,

16 v.

17 MIKE JOHANNNS, in his official capacity as
 18 Secretary of the United States Department of
 19 Agriculture; UNITED STATES
 20 DEPARTMENT OF AGRICULTURE, a
 21 department of the United States; DOES ONE
 22 THROUGH TEN,
 23 Defendants.

Case No. CIV S-07-01190-LKK/DAD

**STIPULATION AND ORDER EXTENDING
 TIME TO RESPOND TO COMPLAINT OF
 UNITED STATES DEPARTMENT OF
 AGRICULTURE**

24 DENNIS W. BALL, an individual, INDIAN
 25 SPRINGS VINEYARDS, a California
 26 partnership,

27 Plaintiffs,

28 v.

PREMIERWEST BANK, a banking
 corporation; DOES ONE THROUGH THIRTY,
 inclusive,
 Defendants.

Plaintiff UNITED STATES OF AMERICA (hereinafter "Plaintiff") and Defendant
 PREMIER WEST BANK (hereafter "Defendant"), by and through their respective counsel, hereby
 stipulate, subject to the Court's approval, as follows:

1 The Court has recently denied in part and granted in part with leave to amend, Defendant's
2 motion to dismiss brought under Federal Rule of Civil Procedure 12(b)(6). Pursuant to Federal Rule
3 of Civil Procedure 12(a)(4)(A), Defendant's response to the original complaint is due within ten (10)
4 days of the date of the Court's Order. Plaintiff has stated its intent to amend Plaintiff's Third-Party
5 Complaint and the Court has granted fifteen (15) days for such amendment. The parties hereby
6 agree to extend Defendants' time to respond to the original Third-Party Complaint so that the
7 response will be due five (5) days after the due date of Plaintiff's amendment. This extension will
8 prevent Defendant from filing a response to the original complaint that will be rendered unnecessary
9 by the Plaintiff's amendment. Upon Plaintiff's filing of the amended complaint, Defendant shall
10 have the time to respond stated by the Federal Rules of Civil Procedure and the Local Rules of the
11 Court.

12 The parties have previously stipulated to an extension of thirty (30) days for Defendant's
13 response. The prior extension was necessary to give counsel for Defendant additional time to
14 complete the review of the administrative record in order to prepare its motion to dismiss.

15 **SO STIPULATED**

16 DATED: January 31, 2008

McGREGOR W. SCOTT
United States Attorney

17
18 By: /s/ Ana Maria Martel
ANA MARIA MARTEL
Assistant United States Attorney

Attorneys for Mike Johanns in his capacity as
Secretary of the U.S. Department of Agriculture

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20
21 DATED: January 31, 2008


McDONOUGH HOLLAND & ALLEN PC
Attorneys at Law

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23 By: /s/ Michael S. Wilcox
MICHAEL S. WILCOX

Attorneys for Defendant Premier West Bank

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25 **IT IS SO ORDERED.**

26 DATED: February 4, 2008.


LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT