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7 Attorneys for Defendant and Counter-Claimant  
 KENDRICK HOOPER

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 9 UNITED STATES DISTRICT COURT  
 10 EASTERN DISTRICT OF CALIFORNIA  
 11 SACRAMENTO DIVISION

12 RITA T. HOOPER AND LOUIS G. HOOPER  
 AS TRUSTEES OF THE GORDON HOOPER  
 13 REAL ESTATE, INC. EMPLOYEES'  
 PENSION AND PROFIT SHARING PLAN;  
 14 RITA T. HOOPER, INDIVIDUALLY; LOUIS  
 G. HOOPER, INDIVIDUALLY; GORDON  
 15 HOOPER REAL ESTATE, INC.,

16 Plaintiffs,

17 v.

18 KENDRICK HOOPER,

19 Defendant.

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 21 KENDRICK HOOPER,

22 Counter-Claimant,

23 v.

24 RITA T. HOOPER AND LOUIS G. HOOPER  
 AS TRUSTEES OF THE GORDON HOOPER  
 REAL ESTATE, INC. EMPLOYEES'  
 25 PENSION AND PROFIT SHARING PLAN;  
 RITA T. HOOPER, INDIVIDUALLY; LOUIS  
 26 G. HOOPER, INDIVIDUALLY; GORDON  
 HOOPER REAL ESTATE, INC.,

27 Counter-Defendants.  
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CIV.: 2:08-CV-699 JAM KJM

**JOINT SUBMISSION OF  
 STIPULATION AND ORDER TO  
 VACATE EXISTING PRE-TRIAL  
 SCHEDULING ORDER AND ALL  
 LITIGATION DATES (as modified)**

Complaint Filed: March 24, 2008  
 Status Order Issued: June 18, 2008

1           WHEREAS, plaintiffs and counter-defendants Rita T. Hooper and Louis G. Hooper as  
2 trustees of the Gordon Hooper Real Estate, Inc. Employees' Pension and Profit Sharing Plan, Rita  
3 T. Hooper and Louis G. Hooper, as individuals, and Gordon Hooper Real Estate, Inc., by and  
4 through their attorneys, and defendant and counter-claimant Kendrick Hooper, by and through his  
5 attorneys, (collectively, the "Parties") jointly submit this stipulation and proposed order to vacate  
6 the Court's existing Pre-Trial Scheduling Order and all litigation deadlines, including the April  
7 15, 2009 settlement conference and the September 14, 2009 trial date based on defendant and  
8 counter-claimant Kendrick Hooper's death on March 23, 2009.

9           WHEREAS, pursuant to the Parties' request and the Court's March 12, 2009 Order, the  
10 Parties agreed to participate in a Settlement Conference on April 15, 2009, before Magistrate  
11 Judge Mueller;

12           WHEREAS, trial in this matter is currently scheduled for September 14, 2009;

13           WHEREAS, defendant and counter-claimant Kendrick Hooper passed away on Monday,  
14 March 23, 2009;

15           WHEREAS, Kendrick Hooper's death has raised many issues that affect this lawsuit and  
16 that the Parties need to resolve before this litigation can proceed;

17           WHEREAS, the Parties agree that, in light of Kendrick Hooper's recent passing and the  
18 litigation deadlines and events that are currently scheduled in this case, it is in the best interest of  
19 the Parties and the Court to vacate the dates set forth in the Pre-Trial Scheduling Order, including  
20 the Settlement Conference and Trial, to allow the Parties an opportunity to resolve the issues  
21 related to Kendrick Hooper's passing.

22           WHEREAS, the Parties agree that the current litigation deadlines in effect, including the  
23 April 15, 2009 settlement conference and the September 14, 2009 trial date should be vacated  
24 pending resolution of the issues raised by Kendrick Hooper's passing.

25           WHEREAS, the Parties respectfully request that the Court vacate the dates currently in  
26 effect pursuant to the Court's existing Pre-Trial Scheduling Order and set a case status and/or  
27 management conference, preferably in July 2009, or as soon thereafter as it is convenient for the  
28 Court, at which time the Parties and the Court can make a determination as to the appropriate

1 dates for all litigation deadlines, including new dates for a settlement conference and, if  
2 necessary, a trial;

3 THE PARTIES, BY AND THROUGH THEIR ATTORNEYS, HEREBY  
4 RESPECTFULLY REQUEST AND STIPULATE AS FOLLOWS:

5 (1) That the dates currently in effect pursuant to the Court's existing Pre-Trial Scheduling  
6 Order be vacated, including the April 15, 2009 settlement conference and the September 14, 2009  
7 trial date; and

8 (2) The parties shall file an updated joint status report on or before July 17, 2009. (**This**  
9 **entry Modified by the court**)

10 **IT IS SO STIPULATED.**

11  
12 **Dated:** March 31, 2009 **WHITE & CASE LLP**

13  
14 **By:** /S/ Thomas J. Benedict  
15 **Thomas J. Benedict**  
16 Attorneys for Defendant and Counter-Claimant  
17 KENDRICK HOOPER

18  
19 **Dated:** March 31, 2009 **LAW OFFICES OF JOSEPH W. SCALIA**

20 **By:** /S/ Joseph Scalia (as authorized on March 31, 2009)  
21 **Joseph W. Scalia**  
22 Attorneys for Plaintiffs and Counter-  
23 Defendants

24  
25 **Dated:** March 31, 2009 **LAW OFFICES OF SPENCER T. MALYSIAK**

26 **By:** /S/ Spencer T. Malysiak (as authorized on March 31, 2009)  
27 **Spencer T. Malysiak**  
28 Attorneys for Plaintiffs and Counter-  
Defendants

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**Dated:** March 31, 2009      **LAW OFFICES OF ANTHONY J. POIDMORE**

**By:** /S/ Anthony J. Poidmore (as authorized on March 31, 2009)  
**Anthony J. Poidmore**  
Attorneys for Plaintiffs and Counter-  
Defendants

**IT IS SO ORDERED.**

DATED: March 31, 2009

/s/ John A. Mendez  
Hon. John A. Mendez