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20 BUENA VISTA BIOMASS DEVELOPMENT,
21 LLC

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24 UNITED STATES DISTRICT COURT
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26 EASTERN DISTRICT OF CALIFORNIA

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28 BUENA VISTA BIOMASS
16 DEVELOPMENT, LLC, a South Dakota
17 limited liability company,

18 Plaintiff,

19 v.

20 ONETO GROUP, INC., a California
21 corporation,

22 Defendant.

23 Case No. 2:08-cv-01011-JAM-DAD

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28 **STIPULATION FOR STAY OF
LITIGATION ACTIVITIES AND
EXTENSION OF PRETRIAL DEADLINES
AND ORDER THEREONE**

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38 BUENA VISTA BIOMASS DEVELOPMENT, LLC and ONETO GROUP, INC.,
39 through their respective counsel, jointly stipulate and request that the Court enter an Order staying
40 all litigation activities and extending pre-trial deadlines in the Court's June 30, 2008 Status (Pre-
41 Trial Scheduling) Order and December 5, 2008 Order Extending Expert Disclosure and
42 Discovery Cutoff Dates by 30 days.

1 The parties have entered into this Stipulation and request to give the parties time to
2 discuss and negotiate the terms of a potential deal over the next 30 days that, if finalized, would
3 establish the terms and a process by which Plaintiff Buena Vista would acquire from Defendant
4 Oneto the Biomass Project at issue in this litigation. On February _, the parties executed an
5 Exclusivity Agreement pursuant to which Buena Vista shall have the exclusive right for 30 days
6 to negotiate and finalize with Oneto the terms of a Purchase and Sale Agreement to acquire the
7 Biomass Project and potentially resolve the pending litigation. If a Purchase and Sale Agreement
8 is signed the parties will request a further stay of litigation activities and pre-trial deadlines.

9 The issues involved in negotiating the Purchase and Sale Agreement are complex and
10 require the parties' full attention and resources. The parties desire to focus their efforts on these
11 negotiations without the distraction and cost of engaging simultaneously in depositions, discovery
12 and motion practice. A 30-day stay of litigation activities and extension of approaching pre-trial
13 deadlines would allow the parties to devote their full attention to these negotiations and maximize
14 their chances of reaching a deal that may ultimately resolve the claims in this litigation.

15 For these reasons, the parties request that the deadlines established in the Court's Status
16 (Pre-Trial Scheduling) Order and subsequent Order Extending Expert Disclosure Cutoff Dates be
17 amended as follows:

18 1. All litigation activities in this case to be stayed for 30 days from the date of the
19 Court's Order.

20 2. All dispositive motions to be filed and noticed by March 25, 2009. Such motions
21 to be heard on or before April 22, 2009 at 9:00 a.m.

22 3. All discovery to be completed by March 18, 2009.

23 4. All expert witness disclosures under Fed. R. Civ. P. 26(a)(2) to be made by
24 March 18, 2009. Supplemental disclosure and disclosure of any rebuttal experts under Fed. R.
25 Civ. P. 26(a)(2)(c) shall be made by March 25, 2009.

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1 All remaining deadlines and dates established in the Court's Status (Pre-Trial) Order to
2 remain unchanged, unless otherwise directed by the Court.

3 Dated: February 4, 2009

MURPHY AUSTIN ADAMS SCHOENFELD LLP

5 By: /s/ John E. Fischer

6 JOHN E. FISCHER
7 Attorneys for Plaintiff
8 BUENA VISTA BIOMASS DEVELOPMENT,
9 LLC

10 Dated: February 4, 2009

11 CRAIGIE, MCCARTHY & CLOW

12 By: /s/ Peter W. Craigie

13 PETER W. CRAIGIE
14 Attorneys for Defendant
15 ONETO GROUP, INC.

16 **ORDER**

17 **BASED ON THE STIPULATION AND REQUEST OF THE PARTIES, IT IS**
18 **ORDERED:**

19 1. That all litigation activities shall be stayed for 30 days from the date of this Order
20 in the above action;

21 2. That all pretrial deadlines shall be extended by 30 days as follows:

22 a. All dispositive motions shall be filed and noticed by March 25, 2009. Such
23 motions shall be heard on or before April 22, 2009 at 9:00 a.m.

24 b. All discovery shall be completed by March 18, 2009.

25 c. All expert witness disclosures under Fed. R. Civ. P. 26(a)(2) shall be made
26 by March 18, 2009. Supplemental disclosure and disclosure of any rebuttal
27 experts under Fed. R. Civ. P. 26(a)(2)(c) shall be made by March 25, 2009.

1 3. All remaining deadlines and dates established in the Court's Status (Pre-Trial)
2 Order shall remain unchanged, unless otherwise directed by the Court.

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4 Dated: February 5, 2009

5 /s/ John A. Mendez
6 JOHN A. MENDEZ
7 United States District Court Judge