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11 BUENA VISTA BIOMASS DEVELOPMENT, LLC

12 UNITED STATES DISTRICT COURT  
13 EASTERN DISTRICT OF CALIFORNIA

14  
15 BUENA VISTA BIOMASS  
DEVELOPMENT, LLC, a South Dakota  
16 limited liability company,

17 Plaintiff,

18 v.

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

21 Defendant.

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

**STIPULATION FOR FURTHER  
EXTENSION OF STAY OF LITIGATION  
ACTIVITIES AND PRETRIAL  
DEADLINES AND ORDER THEREON**

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23 Buena Vista Biomass Development, LLC and Oneto Group, Inc., through their respective  
24 counsel, jointly stipulate and request that the Court enter an Order further extending the stay of all  
25 litigation activities and pre-trial deadlines from the current date to August 31, 2009 to allow the  
26 parties additional time to finalize and close on their Purchase and Sale Agreement for sale of the  
27 Biomass Project assets at issue in this case.

28 On February 4, 2009, Buena Vista and Oneto executed an Exclusivity Agreement under

1 which the parties agreed to negotiate in good faith a binding Purchase and Sale Agreement  
2 (“PSA”) for Buena Vista’s acquisition of the Biomass Project assets. Since entering into the  
3 Exclusivity Agreement, the parties finalized the terms of the Purchase and Sale Agreement and it  
4 was executed on April 9, 2009. The Purchase and Sale Agreement contemplated a closing by  
5 June 30, 2009 and in any event no later than July 8, 2009 and further provided that the parties  
6 would stipulate to stay all litigation activities and extend all litigation activities to June 30, 2009.  
7 The Purchase and Sale Agreement also provided that the parties could agree to extend the closing  
8 date and also to extend the litigation stay. The parties have been working diligently toward  
9 closing but agree that additional time is needed for closing to occur. The parties agreed to an  
10 initial extension of the closing date to August 4, 2009 and submitted a Stipulation and Order to  
11 that effect which was entered on June 30, 2009. As a result of ongoing negotiations, the parties  
12 requested, and the Court granted, an extension to August 11, 2009 to provide an updated Status  
13 Report. The parties have agreed to further extend the closing date to August 28, 2009. In order  
14 for the parties to continue to focus their efforts on the closing without the distraction and cost of  
15 engaging simultaneously in discovery, motion practice and pre-trial preparation, the parties have  
16 stipulated to extend the stay on litigation activities and approaching pre-trial deadlines to  
17 August 31, 2009.

18 For these reasons, the parties request that the Court’s previous Scheduling Orders in this  
19 case be amended as follows:

- 20 1. All litigation activities in this case to be stayed until August 31, 2009.
- 21 2. All deadlines in the Court’s previous Scheduling Orders, including deadlines for  
22 completing discovery, filing expert witness disclosures and filing dispositive motions and  
23 motions in limine, shall be suspended until further notice from the Court.

24 The parties shall notify the Court by August 31, 2009 of the status of their negotiations  
25 and closing on the Purchase and Sale Agreement. By August 31, 2009, the parties shall submit a  
26 written report to the Court regarding the status of the transaction and at that time shall either:  
27 a) submit a stipulation for dismissal of the litigation; or b) request a status conference to discuss  
28 any remaining issues for resolution in this case and an appropriate schedule for resolving any

1 remaining issues.

2 Dated: August 11, 2009

MURPHY AUSTIN ADAMS SCHOENFELD LLP

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By: /s/ John E. Fischer

JOHN E. FISCHER

Attorneys for Plaintiff

BUENA VISTA BIOMASS DEVELOPMENT,  
LLC

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Dated: August 11, 2009

CRAIGIE, MCCARTHY & CLOW

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By: /s/ Peter W. Craigie

PETER W. CRAIGIE

Attorneys for Defendant

ONETO GROUP, INC.

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**ORDER**

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**BASED ON THE STIPULATION AND REQUEST OF THE PARTIES, IT IS**

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**ORDERED:**

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1. All litigation activities in this case are stayed until August 31, 2009.

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2. All deadlines in the Court's previous Scheduling Orders, including deadlines for completing discovery, filing expert witness disclosures and filing dispositive motions and motions in limine, shall be suspended until further notice from the Court.

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3. The parties shall notify the Court by August 31, 2009 of the status of their negotiations and closing on the Purchase and Sale Agreement. By August 31, the parties shall submit a written report to the Court regarding the status of the transaction and at that time shall either: a) submit a stipulation for dismissal of the litigation; or b) request a status conference to discuss any remaining issues for resolution in this case and an appropriate schedule for resolving any remaining issues.

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Dated: August 12, 2009

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/s/ John A. Mendez

JOHN A. MENDEZ

United States District Court Judge

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