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17 Attorneys for Plaintiff
18 BUENA VISTA BIOMASS DEVELOPMENT, LLC

19 UNITED STATES DISTRICT COURT
20 EASTERN DISTRICT OF CALIFORNIA

21 BUENA VISTA BIOMASS
22 DEVELOPMENT, LLC, a South Dakota
23 limited liability company,

24 Plaintiff,

25 v.

26 ONETO GROUP, INC., a California
27 corporation,

28 Defendant.

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

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

29 Buena Vista Biomass Development, LLC and Oneto Group, Inc., through their respective
30 counsel, jointly stipulate and request that the Court enter an Order further extending the stay of all
31 litigation activities and pre-trial deadlines from the current date to September 14, 2009 to allow
32 the parties additional time to finalize and close on their Purchase and Sale Agreement for sale of
33 the Biomass Project assets at issue in this case.

34 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, two additional extensions, one to August 11, 2009 and a
13 subsequent extension to August 31, 2009. Negotiations are still ongoing and, as a result, the
14 parties have agreed to further extend the closing date to September 11, 2009. In order for the
15 parties to continue to focus their efforts on the closing without the distraction and cost of
16 engaging simultaneously in discovery, motion practice and pre-trial preparation, the parties have
17 stipulated to extend the stay on litigation activities and approaching pre-trial deadlines to
18 September 14, 2009.

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

- 21 1. All litigation activities in this case to be stayed until September 14, 2009.
- 22 2. All deadlines in the Court’s previous Scheduling Orders, including deadlines for
23 completing discovery, filing expert witness disclosures and filing dispositive motions and
24 motions in limine, shall be suspended until further notice from the Court.

25 The parties shall notify the Court by September 14, 2009 of the status of their negotiations
26 and closing on the Purchase and Sale Agreement. By September 14, 2009, the parties shall
27 submit a written report to the Court regarding the status of the transaction and at that time shall
28 either: a) submit a stipulation for dismissal of the litigation; or b) request a status conference to

1 discuss any remaining issues for resolution in this case and an appropriate schedule for resolving
2 any remaining issues.

3 Dated: August 31, 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 31, 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
ORDERED:**

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1. All litigation activities in this case are stayed until September 14, 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 September 14, 2009 of the status of their negotiations and closing on the Purchase and Sale Agreement. By September 14, 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 31, 2009

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

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