

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

FOUR IN ONE COMPANY, INC., DIVERSIFIED  
FOODS & SEASONINGS, INC., BRUCE FOODS  
CORPORATION, and CLIFFSTAR  
CORPORATION,  
on behalf of themselves and all other similarly  
situated,

Case No. CASE NO. 08-CV-03017

Hon. Morrison C. England

Plaintiffs,

v.

SK FOODS, L.P., INGOMAR PACKING  
COMPANY, LOS GATOS TOMATO PRODUCTS,  
SCOTT SALYER, STUART WOOLF and GREG  
PRUETT,

Defendants.

**STIPULATION AND ORDER REGARDING ACCEPTANCE OF SERVICE  
OF PROCESS AND EXTENSION OF TIME TO RESPOND TO  
PLAINTIFFS' CONSOLIDATED CLASS ACTION COMPLAINT**

Plaintiffs in this consolidated class action filed a Consolidated Class Action Complaint on November 9, 2009. The Consolidated Complaint named three individuals as newly-added individual defendants. The three newly-added individual defendants (“Individual Defendants”) are: Scott Salyer, President/CEO of Defendant SK Foods LLC; Stuart Woolf, Managing Partner of Defendant Los Gatos Tomato Products; and Greg Pruett, President of Defendant Ingomar Packing Company.

Plaintiffs in these consolidated actions, by and through Interim Class Counsel, Defendants Ingomar Packing Company (“Ingomar”), Los Gatos Tomato Products (“Los Gatos”),

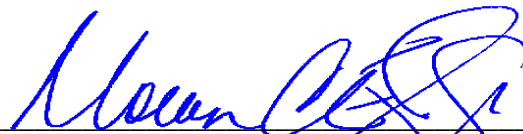
and Individual Defendants, by and through their defense counsel identified below, hereby agree to the following:

1) Individual Defendants, by and through their respective counsel, each acknowledge receipt of a copy of the Consolidated Class Action Complaint and hereby agree to accept service thereof. Individual Defendants shall not contest the sufficiency of process or service of process. Notwithstanding such agreement, Plaintiffs and the Individual Defendants further stipulate and agree that the entry into this stipulation by the Individual Defendants shall not constitute a waiver of any jurisdictional defenses that may be available under Rule 12 of the Federal Rules of Civil Procedure, a waiver of any affirmative defenses under Rule 8 of the Federal Rules of Civil Procedure, or a waiver of any other statutory or common law defenses that may be available to the Individual Defendants in this consolidated class action. Individual Defendants expressly reserve their rights to raise any such defenses in response to either the current Consolidated Class Action Complaint or any amended complaint that may be filed relating to this action.

2) Inasmuch as the parties have agreed that an orderly schedule for any response to the pleadings would be more efficient for the parties and for the Court, Ingomar, Los Gatos, and the Individual Defendants shall, as permitted by Federal Rule 12, answer, move or otherwise plead in response to the Consolidated Class Action Complaint in the above captioned action no later than January 4, 2010.

IT IS SO ORDERED.

DATED: 12/8/2009

  
MORRISON C. ENGLAND, JR.  
UNITED STATES DISTRICT JUDGE

Stipulated to and approved by:

Dated: December 4, 2009

Respectfully submitted,

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