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6 *Class Counsel*

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**UNITED STATES DISTRICT COURT**

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**EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION**

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FOUR IN ONE COMPANY, INC.,  
on behalf of itself and all others similarly  
13 situated,

Case No. 08-cv-3017 KJM EFB

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Plaintiffs,

**STIPULATION AND ORDER TO  
CONTINUE STATUS CONFERENCE**

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v.

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

Date: June 7, 2018  
Time: 2:30 p.m.  
Place: Courtroom 3  
Judge: Hon. Kimberly J. Mueller

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Defendants.

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WHEREAS, on September 16, 2014, the United States Bankruptcy Court for the Eastern  
District of California entered an order confirming the "Second Amended Joint Plan of Liquidation  
22 of SK Foods, LP and its Substantively Consolidated Affiliates (July 16, 2014)" [Dkt. No. 4980]  
23 (the "SK Foods Bankruptcy Plan") in the Chapter 11 bankruptcy action filed by Defendant SK  
24 Foods, L.P. (Case No. 09-29162-D-11); and

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WHEREAS, all funds from the Class settlements with Ingomar Packing Company, Los  
Gatos Tomato Products, Stuart Woolf and Greg Pruett have been paid and distributed to the Class  
27 and Final Judgment has been entered as to these Defendants [Dkt No. 272]; and

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1           WHEREAS all funds previously recovered through the SK Foods bankruptcy action have  
2 been paid and distributed to the Class and the only potential source of further distributions to the  
3 Class are additional funds recovered pursuant to the SK Foods Bankruptcy Plan in the bankruptcy  
4 action; and

5           WHEREAS, the Chapter 11 Trustee has informed Class Counsel that there may be  
6 monetary recovery obtained through adversary proceedings against the law firm of Kasowitz,  
7 Benson, Torres & Friedman LLP, and Donald J. Putterman in the Bankruptcy Court for the  
8 Eastern District of California (Adversary Proceeding No. 14-02025-D) (“Kasowitz Action”),  
9 resulting in funds being distributed to unsecured creditors, including the Class, and

10           WHEREAS, the Chapter 11 Trustee has informed Class Counsel that the parties in the  
11 Kasowitz Action held a mediation on September 25, 2017, but the case did not settle; and

12           WHEREAS, the Chapter 11 Trustee has informed Class Counsel the Kasowitz Action  
13 remains pending; no further settlement talks have occurred, and discovery in the Action is  
14 proceeding; and

15           WHEREAS, the trial setting conference in the Kasowitz Action has been continued to  
16 September 20, 2018 with the expectation that a trial date will be set at that time; and

17           WHEREAS, the Chapter 11 Trustee anticipates being able to recover funds and make  
18 future distribution to unsecured creditors, including the Class, resulting from the Kasowitz  
19 Action, either through settlement or judgment at trial; and

20           WHEREAS, this Court has a status conference currently scheduled for June 7, 2018;

21           NOW THEREFORE, the parties hereby stipulate, subject to this Court's approval, that the  
22 June 7, 2018 status conference be continued for nine month until March 7, 2019, or any other date  
23 convenient for the Court, to address status of the potential distributions from the bankruptcy  
24 proceedings resulting from the Kasowitz Action.

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26     ////

27     ///

1 DATED: May 31, 2018

By: /s/ Arthur N. Bailey, Jr.  
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7 DATED: May 31, 2018

By: /s/ Steig Olson (as authorized on 5/31/18)  
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*Class Counsel*

14 DATED: May 31, 2018

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*Attorneys for Defendant Scott Salyer*

20 DATED: May 31, 2018

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*Attorneys for Bradley D. Sharp, Chapter 11 Trustee  
for SK Foods, LP*

**ORDER**

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GOOD CAUSE APPEARING THEREFORE, IT IS HEREBY ORDERED:

The June 7, 2018 status conference shall be continued for nine months until March 14, 2019 at 2:30 p.m., to address status of the potential distributions from the bankruptcy proceedings.

IT IS SO ORDERED.

DATED: June 4, 2018

  
UNITED STATES DISTRICT JUDGE