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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION

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

Plaintiffs,

v.

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

Defendants.

Case No. 08-cv-3017 KJM EFB

**STIPULATION AND ORDER TO
CONTINUE STATUS CONFERENCE**

Date: September 24, 2020
Time: 2:30 p.m.
Place: Courtroom 3
Judge: Hon. Kimberly J. Mueller

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 of SK Foods, LP and its Substantively Consolidated Affiliates (July 16, 2014)" [Dkt. No. 4980] (the "SK Foods Bankruptcy Plan") in the Chapter 11 bankruptcy action filed by Defendant SK Foods, L.P. (Case No. 09-29162-D-11); and

WHEREAS, Class counsel has informed Defendant Scott Salyer of the following facts relating to SK Foods bankruptcy proceedings; and

1 WHEREAS, all funds from the Class settlements with Ingomar Packing Company, Los
2 Gatos Tomato Products, Stuart Woolf and Greg Pruett have been paid and distributed to the Class
3 and Final Judgment has been entered as to these Defendants in the consolidated cases *Four in*
4 *One Company v. SF Foods, LP, et al.* (Case No. 2:08-cv-03017-KJM-EFB), *Diversified Foods*
5 *and Seasoning, Inc. v. SK Foods, et al.* (Case No. 2:08-cv-03074 KJM-EFB), *Bruce Foods*
6 *Corporation v. SK Foods, LP, et al.* (Case No. 2:09-cv-00027-KJM-EFB), and *Cliffstar*
7 *Corporation v. SK Foods, LP, et al.* (Case No. 2:09-cv-00442-KJM-EFB) (the “Consolidated
8 Cases”); and

9 WHEREAS a portion of the funds previously recovered through the SK Foods bankruptcy
10 action have been paid and distributed to the Class in the Consolidated Cases, and the only
11 remaining distributions to the Class are additional funds recovered pursuant to the SK Foods
12 Bankruptcy Plan in the bankruptcy action; and

13 WHEREAS, on January 13, 2020, the Chapter 11 Trustee mailed a check to the escrow
14 agent of Class Counsel for \$306,954.36, an amount representing the second distribution to the
15 Class of the Allowed General Unsecured Claim Amount of \$10.6 million based on a distribution
16 rate of 2.895796%, which was deposited into the escrow account for this case held by Class
17 Counsel (the “Escrow Account Funds”), and has informed Class Counsel the Chapter 11 Trustee
18 has made final distributions of bankruptcy funds to unsecured creditors and the Class; and

19 WHEREAS, the Chapter 11 Trustee is performing outreach regarding uncashed checks
20 after which time the Trustee will file a motion to address any unclaimed funds or redistributions,
21 if needed, and close the case. The Chapter 11 Trustee informs Class Counsel that there could be
22 one final distribution not expected to be material which would consist of a redistribution of the
23 funds from the uncashed checks and any funds left over in the administrative reserve after closing
24 the case; and

25 WHEREAS, pursuant to the SK Foods Bankruptcy Plan, Class Counsel is in the process
26 of making a pro rata distribution of the Escrow Account Funds to Class members in accordance
27 with the plan of allocation approved by this Court, subject to the fees awarded to Class Counsel
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1 by the bankruptcy court, and that approximately 87% of the total check value issued has been
2 cashed with 14 checks which remain uncashed; and

3 WHEREAS, the claims administrator has determined additional outreach to the available
4 contacts for the uncashed checks would not be fruitful at this time, due to the continued
5 unavailability of some employees as a result of Covid-19, and that additional outreach can be
6 resumed in late September and early October; and

7 WHEREAS, the Court has a Status Conference scheduled for September 24, 2020;

8 NOW THEREFORE, the parties hereby stipulate, subject to this Court's approval, that the
9 September 24, 2020 status conference be continued until December 10, 2020, or any other date
10 convenient for the Court, to address status of the final distributions to the Class and the closing of
11 this action.

12
13 DATED: September 17, 2020

By: /s/ Arthur N. Bailey, Jr.
Michael P. Lehmann
Arthur N. Bailey, Jr.
HAUSFELD LLP
600 Montgomery Street, Suite 3200
San Francisco, CA 94111
Telephone: (415) 633-1908
Facsimile: (415) 358-4980
mlehmann@hausfeldllp.com
abailey@hausfeldllp.com

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19 DATED: September 17, 2020

By: /s/ Steig Olson (as authorized on 9/17/20)
Stephen R. Neuwirth
Steig Olson
QUINN EMANUEL URQUHART & SULLIVAN,
LLP
51 Madison Avenue, 22nd Floor
New York, New York 10010
Telephone: (212) 849-7000
Facsimile: (212) 849-7100
stephenneuwirth@quinnemanuel.com
steigolson@quinnemanuel.com

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25 *Class Counsel*

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DATED: September 17, 2020

By: /s/ Scott Salyer (as authorized on 9/16/20)

Scott Salyer
40501 Road 222, #108
Bass Lake, CA 93604

Defendant Scott Salyer, Pro Se

DATED: September 17, 2020

By: /s/ Gregory C. Nuti (as authorized on 9/16/20)

Gregory C. Nuti
Kevin W. Coleman
NUTI HART LLP
411 30th Street, Suite 408
Oakland, CA 94609
Telephone: (510) 506-7152
gnuti@nutihart.com
kcoleman@nutihart.com

*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 September 24, 2020 status conference shall be continued until December 10, 2020 to address the status of the distributions to the Class and the closing of this action.

IT IS SO ORDERED.

DATED: September 30, 2020.



CHIEF UNITED STATES DISTRICT JUDGE