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*ATTORNEYS FOR PLAINTIFF Donald D. Albee, as Conservator for the Person and Estate of DONALD HAYES ALBEE*

**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF CALIFORNIA**  
**SACRAMENTO DIVISION**

	)	Case No: <b>2:09-cv-01145-LKK-EFB</b>
<b>Donald D. Albee, as Conservator for the</b>	)	
<b>Person and Estate of DONALD HAYES</b>	)	<b>STIPULATION AND ORDER</b>
<b>ALBEE,</b>	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	
	)	
<b>CONTINENTAL TIRE NORTH AMERICA,</b>	)	
<b>INC., an Ohio corporation and FORD MOTOR</b>	)	
<b>COMPANY, INC., a Delaware corporation,</b>	)	
	)	<b>Date of Filing:           January 12, 2009</b>
<b>Defendants.</b>	)	<b>Trial Date:               July 6, 2011</b>
	)	

1 COMES NOW Donald D. Albee, as Conservator for the Person and Estate of Donald Hayes  
2 Albee ("Plaintiff") and Defendant Continental Tire North America, Inc. ("CTNA") by and through  
3 their respective counsel and enter the following Stipulation and Proposed Order:

- 4 1. Defendant CTNA began operating as Continental Tire the Americas, LLC, an Ohio  
5 Limited Liability Company with its principal place of business in South Carolina as  
6 of January 31, 2010.
- 7 2. Counsel for CTNA, Walter M. Yoka, and his law firm are also counsel for  
8 Continental Tire the Americas, LLC, an Ohio Limited Liability Company.
- 9 3. The parties have conferred and agreed there is no need to amend the caption in this  
10 matter because Continental Tire the Americas, LLC, an Ohio Limited Liability  
11 Company agrees that it will be bound by any judgment in this matter as if it had been  
12 a named party herein.

13 Wherefore, Plaintiff and CTNA and Continental Tire the Americas, LLC, an Ohio Limited  
14 Liability Company hereby agree and stipulate that any judgment entered herein against CTNA shall  
15 be deemed to be a judgment against Continental Tire the Americas, LLC, an Ohio Limited Liability  
16 Company and pray this Honorable Court to enter an Order hereon.

17 Dated this 15<sup>th</sup> day of April, 2011.

18 Respectfully submitted,

19 **W. RANDOLPH BARNHART, PC**

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21 By: /s/ W. Randolph Barnhart  
22 W. Randolph Barnhart, Esq.  
23 Colorado Registration No. #5186

24 - - - - and - - - -

25 **PEREZ, WILLIAMS, MEDINA &**  
26 **RODRIGUEZ**  
27 Robert F. Perez, Esq., #054301  
28 Robert Gray Williams, Esq., #068033

- - - - and - - - -

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**THE EDWARDS LAW FIRM**  
John B. Gsanger, Esq.  
Texas Registration No. #00786662

*Counsel for Plaintiff*  
*DONALD HAYES ALBEE*

**YOKA & SMITH, LLP**

By: /s/ Walter M. Yoka  
Walter M. Yoka, Esq.


----- and -----

**HARTLINE, DACUS, BARGER, DREYER  
& KERN, L.L.P.**  
Scott G. Edwards, Esq.

*Counsel for Defendant CONTINENTAL TIRE  
NORTH AMERICA, INC. and Continental Tire  
the Americas, LLC, an Ohio Limited Liability  
Company*

**IT IS SO ORDERED.**

Dated: April 18, 2011.

  
LAWRENCE K. KARLTON  
SENIOR JUDGE  
UNITED STATES DISTRICT COURT