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5 Attorneys for Defendant and Appellant,  
NEIL McLEAN  
6

7 UNITED STATES DISTRICT COURT  
8 EASTERN DISTRICT OF CALIFORNIA  
9 SACRAMENTO DIVISION

10 In Re:  
11 RICHARD J. SHIELDS,  
12 Debtor.

District Court Case No. 09-02910-GEB  
Bankruptcy Court Case No. 06-22377-C-7  
Chapter 7

13  
14 THE BANKRUPTCY ESTATE OF  
RICHARD J. SHIELDS, through  
15 MICHAEL F. BURKART, Chapter 7  
Trustee,

Adv. Proc. No. 08-02352

AMENDED STIPULATION AND ORDER  
RE BRIEFING SCHEDULE<sup>1</sup>

16 Plaintiff,

17 v.

18 NEIL McLEAN, and RUSSELL  
19 LONGAWAY,

20 Defendants.

21 WHEREAS, both the Plaintiff in the Adversary Proceeding that is the subject of the  
22 within cross-appeals, the Chapter 7 Trustee, Michael F. Burkart, and one of the Defendants,  
23 Neil McLean, have both take appeals from the judgment of the Bankruptcy Court;  
24

25 AND WHEREAS, the Bankruptcy Court was working to compile the record from  
26

27 <sup>1</sup> This is to amend the Stipulation and [Proposed] Order Extending Time to File Appellant and Cross-Appellant's  
Opening Briefs on Appeal, filed on April 8, 2010.  
28

1 October 2009 until March 31, 2010;

2 AND WHEREAS, Federal Rules of Bankruptcy Procedure 8009 only provides  
3 Appellant 14 days to file its opening briefs after the docketing of the appeal;

4 AND WHEREAS, counsel for both Appellant and Appellee have busy and  
5 demanding litigation schedules and have worked cooperatively in relation to prosecuting  
6 both this appeal and during the trial of the underlying Adversary Proceeding;

7 AND WHEREAS, both parties stipulate to the requested relief and no party will be  
8 prejudiced;

9 AND WHEREAS, Federal Rules of Bankruptcy Procedure 8009 provides that the  
10 time to file the opening brief may be extended by this Court for good cause;

11 AND WHEREAS, absent an extension of time the quality of the briefs on appeal may  
12 be adversely impacted and the effectiveness of the Court's review made more difficult;

13 Defendant and Appellant Neil McLean and Plaintiff and Appellee Michael F. Burkart,  
14 Chapter 7 Trustee of the Bankruptcy Estate of Debtor Richard J. Shields, hereby stipulate to  
15 the following briefing schedule:

- 16 1. Appellant's opening brief to be filed on or before May 14, 2010;
- 17 2. Appellee's responsive brief, including discussion of Appellee's cross-appeal,  
18 to be filed on or before June 4, 2010;
- 19 3. Appellant's reply brief to be filed on or before June 18, 2010; and
- 20 4. Appellee's sur-reply brief to be filed on or before June 28, 2010.

21  
22 DATED: April 14, 2010

23 MACDONALD & ASSOCIATES

MGRANE GREENFIELD LLP

24 By: /s/ Reno F.R. Fernandez III

By: /s/ Christopher D. Sullivan

25 Reno F.R. Fernandez III

Christopher D. Sullivan

26 Attorneys for Defendant and Appellant,

Attorneys for Plaintiff and Appellee,

27 Neil McLean

Michael F. Burkart, Chapter 7 Trustee

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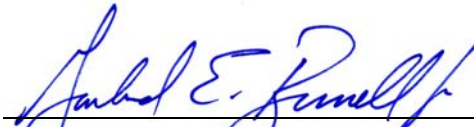
**ORDER**

PURSUANT TO STIPULATION, IT IS HEREBY ORDERED AS FOLLOWS:

1. Appellant's opening brief shall be filed on or before May 14, 2010;
2. Appellee's responsive brief, including discussion of Appellee's cross-appeal, shall be filed on or before June 4, 2010;
3. Appellant's reply brief shall be filed on or before June 18, 2010; and
4. Appellee's sur-reply brief shall be filed on or before June 28, 2010.

**IT IS SO ORDERED.**

DATED: April 16, 2010

  
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GARLAND E. BURRELL, JR.  
United States District Judge