

1 MACDONALD & ASSOCIATES
2 IAIN A. MACDONALD (SBN 051073)
3 RENO F.R. FERNANDEZ III (SBN 251934)
4 914 Thirteenth Street
5 Modesto, CA 95354-0903
6 Telephone: (209) 549-7949
7 Facsimile: (209) 236-0172

8 Attorneys for Defendant and Appellant,
9 NEIL McLEAN

10 UNITED STATES DISTRICT COURT
11 EASTERN DISTRICT OF CALIFORNIA
12 SACRAMENTO DIVISION

13 In Re:

14 RICHARD J. SHIELDS,
15 Debtor.

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

Adv. Proc. No. 08-02352

16 THE BANKRUPTCY ESTATE OF
17 RICHARD J. SHIELDS, through
18 MICHAEL F. BURKART, Chapter 7
19 Trustee,

STIPULATION AND [PROPOSED]
ORDER RE BRIEFING SCHEDULE

Plaintiff,

v.

20 NEIL McLEAN, and RUSSELL
21 LONGAWAY,

Defendants.

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

25 AND WHEREAS, the designation of the parties was recently changed such that
26 McLean is designated as Appellant and Burkart is designated as Appellee;

27 AND WHEREAS, counsel for Appellant recently suffered from an illness;

28 AND WHEREAS, counsel for Appellant has had difficulty in obtaining copies of

1 certain documents from Defendant Russell B. Longaway necessary to complete the record on
2 appeal;

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

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

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

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

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

- 15 1. Appellant's opening brief to be filed on or before May 24, 2010;
- 16 2. Appellee's responsive brief, including discussion of Appellee's cross-appeal,
17 to be filed on or before June 14, 2010;
- 18 3. Appellant's reply brief to be filed on or before June 28, 2010; and
- 19 4. Appellee's sur-reply brief to be filed on or before July 8, 2010.

20
21 DATED: May 14, 2010

22 MACDONALD & ASSOCIATES

MGRANE GREENFIELD LLP

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

By: /s/Christopher D. Sullivan

24 Reno F.R. Fernandez III
25 Attorneys for Defendant and Appellant,
Neil McLean

Christopher D. Sullivan
Attorneys for Plaintiff and Appellee,
Michael F. Burkart, Chapter 7 Trustee

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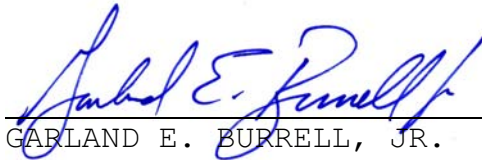
ORDER

PURSUANT TO STIPULATION, IT IS HEREBY ORDERED AS FOLLOWS:

1. Appellant’s opening brief shall be filed on or before May 24, 2010;
2. Appellee’s responsive brief, including discussion of Appellee’s cross-appeal, shall be filed on or before June 14, 2010;
3. Appellant’s reply brief shall be filed on or before June 28, 2010; and
4. Appellee’s sur-reply brief shall be filed on or before July 8, 2010.

IT IS SO ORDERED.

DATED: May18, 2010



GARLAND E. BURRELL, JR.
United States District Judge