1 2 3 4 5 6 7	Daniel Feinberg – CA State Bar No. 135983 Nina Wasow – CA State Bar No. 242047 LEWIS, FEINBERG, LEE, RENAKER & JACK 1330 Broadway, Suite 1800 Oakland, CA 94612 Telephone: (510) 839-6824 Facsimile: (510) 839-7839 Email: <u>dfeinberg@lewisfeinberg.com</u> Email: <u>nwasow@lewisfeinberg.com</u> Attorneys for Plaintiff	SON, P.C.	
8 9	IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA		
10	EDWARD CLARKE,	Case No. C 09-03467-JAM-DAD	
11	Plaintiff,	STIPULATION AND ORDER	
12	VS.	REGARDING HEARING ON DEFENDANTS' MOTION TO	
13	MICHAEL LINDEMAN, LORRAINE	DISMISS	
14	LINDEMAN, DAVID NICKUM, VALLEY) AGGREGATE TRANSPORT, INC., and)		
15	THE ADMINISTRATION COMMITTEE		
16	FOR THE VALLEY AGGREGATE, INC.)EMPLOYEE STOCK OWNERSHIP PLAN.)		
17	Defendants.		
18			
19	IT IS HEREBY STIPULATED AND AGREED by the undersigned counsel that the		
20	hearing on Defendants' Motion to Dismiss shall be re-set from September 15, 2010, to October		
21	6, 2010.		
22	0, 2010.		
23			
24	Dated: July 27, 2010	LEWIS, FEINBERG, LEE, RENAKER & JACKSON, P.C.	
25	By:	/s/ Nina Wasow	
26	Бу.	Daniel Feinberg	
27		Nina Wasow Attorneys for Plaintiff	
	STIPULATION AND [PROPOSED] ORDER RE HEARING ON MOTION TO DISMISS [CASE NO. C 09-03467-JAM-DAD] Page i		

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2	Dated: July 27, 2010		TRUCKER HUSS
3		By:	/s/ Virginia Perkins
4 5		2	R. Bradford Huss Virginia Perkins Attorneys for Defendants David Nickum,
6			Valley Aggregate Transport, Inc., and Administration Committee for the Valley
7			Aggregate Transport, Inc. Employee Stock Ownership Plan
8			Ownership Flan
9			
10		ORDE	R
11	Pursuant to the stipulation, IT IS SO ORDERED.		
12			
13	Dated: July 27, 2010		/s/ John A. Mendez
14			The Honorable John Mendez United States District Judge
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	STIPULATION AND [PROPOSED] ORDER RE HEARING ON	MOTION TO DI	SMISS [CASE NO. C 09-03467-JAM-DAD] Page 1