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7 Attorneys for Defendants DAVID NICKUM,  
8 VALLEY AGGREGATE TRANSPORT, INC.,  
and ADMINISTRATIVE COMMITTEE  
9 FOR THE VALLEY AGGREGATE, INC.,  
EMPLOYEE STOCK OWNERSHIP PLAN

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

14 EDWARD CLARKE,

15 Plaintiff,

16 v.

17 MICHAEL LINDEMAN, LORRAINE  
18 LINDEMAN, DAVID NICKUM, VALLEY  
AGGREGATE TRANSPORT, INC., and  
19 ADMINISTRATIVE COMMITTEE FOR  
THE VALLEY AGGREGATE, INC.,  
EMPLOYEE STOCK OWNERSHIP PLAN,

20 Defendants.

Case No. 09-cv-03467-JAM-DAD

**STIPULATION AND ORDER RE  
EXTENSION OF TIME FOR  
DEFENDANTS TO RESPOND TO THE  
COMPLAINT**

22 Defendants MICHAEL LINDEMAN, LORRAINE LINDEMAN, DAVID NICKUM,  
23 VALLEY AGGREGATE TRANSPORT, INC., and ADMINISTRATION COMMITTEE FOR  
24 THE VALLEY AGGREGATE, INC., EMPLOYEE STOCK OWNERSHIP PLAN (“Defendants”) and Plaintiff EDWARD CLARKE (“Plaintiff”) hereby stipulate, by and through their respective  
25 counsel, to extend the time by which all Defendants must file a responsive pleading to Plaintiff’s  
26 Complaint. Pursuant to this stipulation, Defendants shall file a responsive pleading on or before  
27 February 24, 2010.  
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This extension will not alter any dates or deadlines set by Court order.

DATED: February 10, 2010

TRUCKER & HUSS

By: /s/R. Bradford Huss  
R. Bradford Huss  
Attorneys for Defendants  
David Nickum, Valley Aggregate Transport, Inc.,  
and Administration Committee for the Valley  
Aggregate, Inc. Employee Stock Ownership Plan

DATED: February 10, 2010

MCDONOUGH HOLLAND & ALLEN P.C.

By: /s/Zachary Smith (as authorized on 2-10-2010)  
Zachary Smith  
Robert Rubin  
Attorneys for Defendants  
Michael Lindeman and Lorraine Lindeman

DATED: February 10, 2010

LEWIS, FEINBERG, LEE, RENAKER  
& JACKSON, P.C.

By: /s/Daniel Feinberg (as authorized on 2-9-2010)  
Daniel Feinberg  
Attorneys for Plaintiff Edward Clarke

**ORDER**

Pursuant to the foregoing stipulation of the parties, IT IS SO ORDERED.

DATED: February 11, 2010

/s/ John A. Mendez  
Honorable John A. Mendez  
U.S. District Court Judge