

1 STEVEN H. FELDERSTEIN, State Bar No. 056978
 PAUL J. PASCUZZI, State Bar No. 148810
 2 TANIA M. MOYRON, State Bar No. 235736
 FELDERSTEIN FITZGERALD
 3 WILLOUGHBY & PASCUZZI LLP
 400 Capitol Mall, Suite 1450
 4 Sacramento, CA 95814
 Telephone: (916) 329-7400
 5 Facsimile: (916) 329-7435
 sfelderstein@ffwplaw.com
 6 ppascuzzi@ffwplaw.com
 tmoyron@ffwplaw.com

7 MALCOLM S. SEGAL, State Bar No. 075481
 8 SEGAL & KIRBY
 770 L Street, Suite 1440
 9 Sacramento, California 95814
 Telephone: (916) 441-0828
 10 Facsimile: (916) 446-6003
 msegal@segalandkirby.com

11 Attorneys for Scott Salyer, individually and as
 12 trustee of the Scott Salyer Revocable Trust, and the Scott
 Salyer Revocable Trust

13 ANDREA M. MILLER, State Bar No. 88992
 14 NAGELEY MEREDITH & MILLER, INC.
 8001 Folsom Boulevard, Suite 100
 15 Sacramento, California 95826
 Telephone: (916) 386-8292
 16 Facsimile: (916) 386-8952
 amiller@nmlaw.com

17 Attorneys for SK PM Corp., SK Foods, LLC, SKF
 18 Canning, LLC, Blackstone Ranch Corporation, Monterey
 Peninsula Farms, LLC, Salyer Management Company,
 19 LLC, SK Farms Services, LLC, SK Frozen Foods, LLC,
 SS Farms, LLC, SSC Farming, LLC, SSC Farms I, LLC,
 20 SSC Farms II, LLC, SSC Farms III, LLC, SKF Aviation,
 LLC, and CSSS, LP d/b/a Central Valley Shippers

21 *Please see continuation page for a complete list of the*
 22 *moving parties and their respective counsel.*

23
 24 UNITED STATES DISTRICT COURT
 25 EASTERN DISTRICT OF CALIFORNIA
 26
 27
 28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

In re:

SK FOODS, LP, a California limited
partnership, et al.,

Debtors.

BANKRUPTCY CASE NO.: 09-29162-D-11

Chapter 11
U.S. District Court Case Nos.
2:10-cv-01492-LKK; 2:10-cv-01493-LKK
2:10-cv-01496-LKK; 2:10-cv-01497-LKK
2:10-cv-01498-LKK; 2:10-cv-01499-LKK
2:10-cv-01500-LKK

**STIPULATION AND ORDER EXTENDING
DEADLINE TO FILE OPPOSITION TO AND
POSTPONING HEARING FOR MOTION
FOR REHEARING ON DECEMBER 10, 2010
ORDER AND JUDGMENT REVERSING
BANKRUPTCY COURT'S ORDER DENYING
A STAY**

BRADLEY SHARP, et al.,

Plaintiff,

v.

SSC FARMS I, LLC, et al.,

Defendants.

AP No. 09-02692
DCN: MSS-1

BRADLEY SHARP, et al.,

Plaintiff,

v.

SCOTT SALYER, as trustee of the
Scott Salyer Revocable Trust, et al.,

Defendants.

AP No. 10-02014
DCN: MSS-1

BRADLEY SHARP, et al.,

Plaintiff,

v.

SCOTT SALYER, in his individual
capacity and as trustee of the Scott
Salyer Revocable Trust, et al.,

Defendants.

AP No. 10-02015
DCN: MSS-1

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

BRADLEY SHARP, et al.,

Plaintiff,

v.

SKF AVIATION, LLC, et al.,

Defendants.

AP No. 10-02016
DCN: MSS-1

BRADLEY SHARP, et al.,

Plaintiff,

v.

FRED SALYER IRREVOCABLE
TRUST, et al.,

Defendants.

AP No. 10-02017
DCN: MSS-1

BRADLEY SHARP, et al.,

Plaintiff,

v.

CSSS, L.P., et al.,

Defendants.

AP No. 09-02543
DCN: MSS-1

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CONTINUATION SHEET: PARTIES
AND THEIR RESPECTIVE COUNSEL

<p>STEVEN H. FELDERSTEIN, State Bar No. 056978 PAUL J. PASCUZZI, State Bar No. 148810 TANIA M. MOYRON, State Bar No. 235736 FELDERSTEIN FITZGERALD WILLOUGHBY & PASCUZZI LLP 400 Capitol Mall, Suite 1450 Sacramento, California 95814 Telephone: (916) 329-7400 Facsimile: (916) 329-7435 sfelderstein@ffwplaw.com ppascuzzi@ffwplaw.com tmoyron@ffwplaw.com</p> <p>Counsel for Scott Salyer, individually and as trustee of the Scott Salyer Revocable Trust, and the Scott Salyer Revocable Trust</p>	<p>ANDREA M. MILLER, State Bar No. 88992 NAGELEY MEREDITH & MILLER, INC. 8001 Folsom Boulevard, Suite 100 Sacramento, California 95826 Telephone: (916) 386-8292 Facsimile: (916) 386-8952 amiller@nmlaw.com</p> <p>Counsel for SK PM Corp., SK Foods, LLC, SKF Canning, LLC, Blackstone Ranch Corporation, Monterey Peninsula Farms, LLC, Salyer Management Company, LLC, SK Farms Services, LLC, SK Frozen Foods, LLC, SS Farms, LLC, SSC Farming, LLC, SSC Farms I, LLC, SSC Farms II, LLC, SSC Farms III, LLC, SKF Aviation, LLC, and CSSS, LP d/b/a Central Valley Shippers</p>
<p>MALCOLM S. SEGAL, State Bar No. 075481 SEGAL & KIRBY 770 L Street, Suite 1440 Sacramento, California 95814 Telephone: (916) 441-0828 Facsimile: (916) 446-6003 msegal@segalandkirby.com</p> <p>Counsel for Scott Salyer, individually and as trustee of the Scott Salyer Revocable Trust, and the Scott Salyer Revocable Trust</p>	<p>LARRY J. LICHTENEGGER, State Bar No. 048206 LICHTENEGGER LAW OFFICE. 3850 Rio Road, Suite 58 Carmel, CA 93926 Telephone: (831) 626-2801</p> <p>Counsel for the Fred Salyer Irrevocable Trust, Gerard Rose as trustee of the Fred Salyer Irrevocable Trust, and Scott Salyer, individually and as trustee of the Scott Salyer Revocable Trust</p>
<p>GREGORY C. NUTI, State Bar No. 151754 KEVIN W. COLEMAN, State Bar No. 168538 SCHNADER HARRISON SEGAL & LEWIS LLP One Montgomery Street, Suite 2200 San Francisco, California 94104-5501 Telephone: 415-364-6700 Facsimile: 415-364-6785 gnuti@schnader.com kcoleman@schnader.com</p> <p>Counsel for Bradley D. Sharp, Chapter 11 Trustee</p>	

1 Scott Salyer, individually and as trustee of the Scott Salyer Revocable Trust; the Scott
2 Salyer Revocable Trust; SK PM Corp.; SK Foods, LLC; SKF Canning, LLC; Blackstone Ranch
3 Corporation; Monterey Peninsula Farms, LLC; Salyer Management Company, LLC; SK Farms
4 Services, LLC; SK Frozen Foods, LLC; SS Farms, LLC; SSC Farming, LLC; SSC Farms I, LLC;
5 SSC Farms II, LLC; SSC Farms III, LLC; SKF Aviation, LLC; CSSS, LP d/b/a Central Valley
6 Shippers; Gerard Rose as trustee of the Fred Salyer Irrevocable Trust; and the Fred Salyer
7 Irrevocable Trust (collectively, "Appellants") and Bradley D. Sharp, as Chapter 11 Trustee of SK
8 Foods, L.P. ("Appellee"), by and through their respective counsel, hereby stipulate (the
9 "Stipulation") and agree as follows:

10 1. On December 27, 2010, Appellee filed the Motion for Rehearing on December 10,
11 2010 Order and Judgment Reversing Bankruptcy Court's Order Denying a Stay (the "Motion for
12 Rehearing") in the above-captioned appeals. The Motion for Rehearing was set for hearing on
13 January 31, 2011 at 10:00 a.m. and the deadline to file an opposition to the Motion for Rehearing
14 was January 17, 2011.

15 2. On December 30, 2010, Appellants filed an opposition to the Motion for
16 Rehearing, asking the Court to delay the hearing until sometime at the end of March 2011
17 because of the illness of one of Appellants' attorneys and reserving the right of Appellants to file
18 a supplemental opposition to the Motion for Rehearing.

19 3. On January 14, 2011, the Court entered an order (the "Extension Order")
20 extending the deadline for Appellants to file an opposition to the Motion for Rehearing until
21 January 19, 2011 at 9:00 a.m.

22 4. On or around January 14, 2011, Appellants and Appellee agreed to participate in
23 mediation concerning, among other things, the Motion for Rehearing with Judge Michael
24 McManus in the next sixty (60) days (the "Mediation"). Because the Motion for Rehearing will
25 be negotiated as part of the Mediation, Appellants and Appellee also agreed to postpone the
26 hearing on the Motion for Rehearing to no earlier than March 31, 2011 and, as a result, extend the
27 deadline to file an opposition to the Motion for Rehearing to no earlier than March 17, 2011.

28 5. The parties further agree that the ultimate date of the deadline for Appellants to

1 file their opposition should be determined under the Local Rules of the United States District
2 Court for the Eastern District of California (the "Local Rules") based on the date of the hearing
3 set by the Court.

4 6. Appellants and Appellee believe that delaying the hearing on the Motion for
5 Rehearing and extending the deadline to file an opposition to the Motion for Rehearing will
6 enhance the parties' ability in the Mediation to agree to a consensual resolution of the issues
7 raised in the Motion for Rehearing, although the parties are unable to guarantee at this time that
8 they will be successful.

9 7. On January 21, 2011, the Court entered an order (the "Order") requesting that
10 counsel for the Appellants file a notice indicating why they did not file a timely supplemental
11 opposition to the Motion for Rehearing pursuant to the Extension Order.

12 8. In response to the Order, Appellants hereby apologize to the Court for the delay in
13 filing this Stipulation. Between January 14, 2011 and January 24, 2011, Appellants and Appellee
14 were in the process of negotiating the details of an interim settlement agreement to delay the
15 numerous open issues between Appellants and Appellee, including the Motion for Rehearing,
16 while the parties participate in the Mediation. As a result of such efforts, Appellants and
17 Appellee are hereby filing this Stipulation.

18 9. As a result of the forgoing, Appellants and Appellee hereby jointly request that the
19 Court enter an order continuing the hearing on the Motion for Rehearing to a date no earlier than
20 March 31, 2011, with the deadline for Appellants to file their opposition to the Motion for
21 Rehearing to be determined under the Local Rules, based on the date of the hearing set by the
22 Court.

23
24 [remainder of page intentionally left blank]
25
26
27
28

1 Dated this 25th day of January, 2011

2 SCHNADER HARRISON SEGAL &
3 LEWIS LLP

4 /S/ MICHAEL M. CARLSON
MICHAEL M. CARLSON
5 Counsel for Bradley D. Sharp, as Chapter 11
Trustee of SK Foods, L.P.

6
7 SEGAL & KIRBY LLP

8
9 /S/ MALCOLM S. SEGAL
MALCOLM S. SEGAL
10 Counsel for Scott Salyer, individually and as
11 trustee of the Scott Salyer Revocable Trust,
and the Scott Salyer Revocable Trust

12
13
14
15
16 LAW OFFICE OF LARRY
LICHTENNEGER

17
18 /S/ LARRY LICHTENNEGER
LARRY LICHTENNEGER
19 Counsel for the Fred Salyer Irrevocable
20 Trust, Gerard Rose as trustee of the Fred
Salyer Irrevocable Trust, and Scott Salyer,
21 individually and as trustee of the Scott
Salyer Revocable Trust

FELDERSTEIN FITZGERALD
WILLOUGHBY & PASCUZZI LLP

/S/ PAUL J. PASCUZZI
PAUL J. PASCUZZI
Counsel for Scott Salyer, individually and as
trustee of the Scott Salyer Revocable Trust, and
the Scott Salyer Revocable Trust

NAGELEY MEREDITH & MILLER, INC.

/S/ JAMES C. KEOWEN
JAMES C. KEOWEN
Counsel for SK PM Corp., SK Foods, LLC, SKF
Canning, LLC, Blackstone Ranch Corporation,
Monterey Peninsula Farms, LLC, Salyer
Management Company, LLC, SK Farms
Services, LLC, SK Frozen Foods, LLC, SS
Farms, LLC, SSC Farming, LLC, SSC Farms I,
LLC, SSC Farms II, LLC, SSC Farms III, LLC,
SKF Aviation, LLC, and CSSS, LP d/b/a Central
Valley Shippers


22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

GOOD CAUSE APPEARING, IT IS ORDERED AS FOLLOWS:

1. The hearing on the Motion for Rehearing is continued to April 11, 2011 at 10:00 a.m.
2. The deadline for Appellants to file their opposition to the Motion for Rehearing shall be determined under the Local Rules.

Dated: January 26, 2011


LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT