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 12 Scott Salyer Revocable Trust

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

15 UNITED STATES DISTRICT COURT
 16 EASTERN DISTRICT OF CALIFORNIA

18 In re:
 19 SK FOODS, L.P.,
 20 Debtor.
 21 SCOTT SALYER, ET AL.,
 22 Appellants,
 23 v.
 24 SK FOODS, L.P.,
 25 Appellee.

District Court Case Number
CIV. 2:10-CV-03467-LKK
 Bankruptcy Court Case Number
NO. 09-29162-D-11

**STIPULATION AND ORDER EXTENDING
 DEADLINES REGARDING BANKRUPTCY
 APPEAL**

CONTINUATION SHEET: PARTIES

AND THEIR RESPECTIVE COUNSEL

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1 **STIPULATION**

2 Scott Salyer, individually and as trustee of the Scott Salyer Revocable Trust; the Scott
3 Salyer Revocable Trust; SK PM Corp.; SK Foods, LLC; SKF Canning, LLC; Blackstone Ranch
4 Corporation; Monterey Peninsula Farms, LLC; Salyer Management Company, LLC; SK Farms
5 Services, LLC; SK Frozen Foods, LLC; SS Farms, LLC; SSC Farming, LLC; SSC Farms I, LLC;
6 SSC Farms II, LLC; SSC Farms III, LLC; SKF Aviation, LLC; and CSSS, LP d/b/a Central
7 Valley Shippers (collectively, "Appellants"), on the one hand, and Bradley D. Sharp
8 ("Appellee"), the duly appointed and acting chapter 11 trustee of substantively consolidated
9 debtors SK Foods, L.P., a California limited partnership, and RHM Industrial/Specialty Foods,
10 Inc., a California corporation, d/b/a Colusa County Canning Co., on the other hand, by and
11 through their respective counsel, hereby stipulate and agree as follows:

12 1. On December 28, 2010, the Clerk of the United States Bankruptcy Court for the
13 Eastern District of California (the "Bankruptcy Court") filed a notice with the Court that the
14 above-caption bankruptcy appeal (the "Appeal") had been transferred to the Court.

15 2. On or around January 14, 2011, Appellants and Appellee (together, the "Parties"),
16 agreed to participate in a mediation concerning the Appeal, among other things, with Judge
17 Michael McManus (the "Mediation"). As the issues on Appeal were to be negotiated and
18 potentially resolved as a result of the Mediation, the Parties further agreed to postpone the
19 briefing of the Appeal until a date after the Mediation.

20 3. In connection with the Mediation, the Parties requested jointly by stipulation and
21 proposed order [Docket No. 7] (the "First Stipulated Order"), filed on February 1, 2011, that the
22 Court establish a briefing schedule as agreed upon and proposed by the Parties.

23 4. On February 3, 2011, the Court entered the First Stipulated Order [Docket No. 8],
24 setting March 17, 2011 as the deadline for Appellants to file their opening brief and excerpts of
25 record in the Appeal (the "Briefing Deadline"), and ordering that all other briefing thereafter
26 regarding the Appeal be conducted in accordance with the Local Rules of Practice for the United
27 States District Court, Eastern District of California (the "Local Rules") and the Federal Rules of
28 Bankruptcy Procedure (the "Bankruptcy Rules").

1 5. On March 2-3, 2011, the Parties participated in the Mediation. Although the
2 Parties were not able to reach a settlement, the Parties agreed at the end of the two-day Mediation
3 to continue settlement discussions for an additional two weeks.

4 6. In view of ongoing settlement discussions and the prospect that a settlement may
5 be achieved in the interim, the Parties hereby jointly request that the Court enter an order granting
6 a three-week extension of the Briefing Deadline to facilitate the continuation of settlement
7 discussions. The Parties believe such extension is appropriate and warranted under the
8 circumstances as it will assist the Parties' pursuit of a consensual resolution of the Appeal, as well
9 as various other litigation pending before this Court and the Bankruptcy Court.

10 7. Accordingly, the Parties respectfully request that the Court enter an order
11 extending the Briefing Deadline to April 7, 2011 and instructing that all other briefing thereafter
12 regarding the Appeal be conducted in accordance with the Local Rules and the Bankruptcy Rules.

13 **IT IS SO STIPULATED**

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1 Dated: March 8, 2011

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4 /s/ Paul J. Pascuzzi
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/s/ Gregory C. Nuti
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Counsel for Bradley D. Sharp, as Chapter 11
Trustee of SK Foods, L.P. and RHM
Industrial/Specialty Foods, Inc.


17 **ORDER**

18 Pursuant to the foregoing stipulation, and good cause appearing therefor, **IT IS ORDERED AS**
19 **FOLLOWS:**

20 1. April 7, 2011 shall be the deadline for Appellants to file their opening brief and
21 excerpts of record in the Appeal.

22 2. The deadlines of all other briefing regarding the Appeal shall be determined under
23 the Local Rules and the Bankruptcy Rules.

24
25 Dated: March 11, 2011.

26 
27 LAWRENCE K. KARLTON
28 SENIOR JUDGE
UNITED STATES DISTRICT COURT