

1 Thomas W. Barth, SBN 154075  
 BARTH DALY LLP  
 2 2810 Fifth Street  
 Davis, California 95618  
 3 Telephone: (916) 440-8600  
 Facsimile: (916) 440-9610  
 4 Email: tbarth@barth-daly.com

5 Attorneys for HYNES AVIATION  
 INDUSTRIES, INC., HYNES CHILDREN TF  
 6 LIMITED and MICHAEL HYNES

7  
 8 UNITED STATES DISTRICT COURT  
 9 EASTERN DISTRICT OF CALIFORNIA

11 SACRAMENTO E.D.M., INC., a California  
 corporation; DAN FOLK, an individual,

12 Plaintiffs,

13 v.

14 HYNES AVIATION INDUSTRIES,  
 15 INC., dba HYNES AVIATION  
 SERVICES, HYNES CHILDREN TF  
 16 LIMITED; MICHAEL K. HYNES,

17 Defendants.

No. 2:13-CV-00288-KJN

**STIPULATION AND ORDER (1) TO FILE  
 SECOND AMENDED JUDGMENT AND (2)  
 CONTINUING EXAMINATION OF  
 DANIEL M. FOLK**

Current Examination Date:  
 Date: June 25, 2020  
 Time: 10:00 a.m.  
 Ctrm: 25

18 HYNES AVIATION INDUSTRIES,  
 19 INC., an Oklahoma corporation;  
 MICHAEL K. HYNES, an individual,

20 Counter-Claimants,

21 v.

22 SACRAMENTO E.D.M., INC., a California  
 23 corporation; DAN FOLK, an individual,

24 Counter-Defendants.

Proposed Examination Date:  
 Date: August 27, 2020  
 Time: 10:00 a.m.  
 Ctrm: 25

25  
 26 This Stipulation and Order (1) To File Second Amended Judgment and  
 27 (2) Continuation of the Examination of Daniel Folk is entered into by and among defendants,  
 28 cross-complainants and judgment creditors Hynes Aviation Industries, Inc., Hynes Children TF

{00030932}

1 Limited and Michael Hynes ("Judgment Creditor"), on the one hand and plaintiff, cross-defendant  
2 and judgment debtor Sacramento E.D.M., Inc. and Daniel M. Folk (the "Examinee") on the other  
3 hand (collectively, the "Parties"), by and through their respective counsel, with reference to the  
4 following facts:

5 WHEREAS, the Parties have agreed on a form of the Second Amended Judgment,  
6 to clarify and correct the allocation of restitution ordered concerning the US Banc judgment, as  
7 detailed in the proposed Second Amended Judgment, filed concurrently herewith;

8 WHEREAS, on March 9, 2020, Judgment Creditor filed an application for an  
9 order requiring Examinee to appear for examination pursuant to Code of Civil Procedure  
10 Section 708.110 (the "Application");

11 WHEREAS, on March 16, 2020, the Court entered an order granting the  
12 Application, pursuant to which the Examinee was required to appear at the Court on May 11,  
13 2020 at 10:00 a.m. in Courtroom 25 for an examination pursuant to Code of Civil Procedure  
14 Section 708.110 (the "Examination");

15 WHEREAS, the Examination was continued by Minute Order of the Court on  
16 May 5, 2020, to June 11, 2020 at 9:30 a.m. in Courtroom 25;

17 WHEREAS, the Examination was continued by Minute Order of the Court on  
18 May 6, 2020, to June 25, 2020 at 9:30 a.m. in Courtroom 25;

19 WHEREAS the Examinee and the Judgment Creditor have agreed to reschedule  
20 the Examination in order to accommodate the discussion and exchange of information and  
21 settlement efforts by the parties, subject to the terms and conditions of the proposed order;

22 WHEREAS the Parties have agreed, subject to Court approval and without further  
23 notice, to continue the Examination from June 25, 2020 at 9:30 a.m. to August 27, 2020 at  
24 10:00 a.m., or as soon thereafter as the Court may designate; and

25 WHEREAS, this Stipulation is not entered into and the Proposed Order is not  
26 sought for any improper purpose.

27 NOW, THEREFORE, the Parties hereby stipulate, agree and respectfully request  
28 that the Court enter an Order that:

1                   The Second Amended Judgment be signed and filed by the Court as the Second  
2 Amended Judgment.

3                   The Examination is continued from June 25, 2020 to August 27, 2020 at  
4 10:00 a.m.

5                   The Examinee shall appear via video conference (Zoom) as the Court may instruct  
6 or direct, for the Examination in Courtroom 25 of this Court on August 27, 2020 at 10:00 a.m.,  
7 unless the Parties stipulate to a further continuance prior to that date. No further notice of the  
8 Examination shall be required.

9                   **IT IS SO STIPULATED.**

10 Dated: June 22, 2020

Respectfully submitted,

BARTH DALY LLP

12 By           /s/Thomas W. Barth            
13 THOMAS W. BARTH

14 Attorneys for Judgment Creditors HYNES AVIATION  
15 INDUSTRIES, INC., HYNES CHILDREN TF LIMITED  
and MICHAEL HYNES

16 Dated: June 22, 2020

BRIAN R. KATZ, Attorney at Law

17 By           /s/Brian R. Katz            
18 BRIAN R. KATZ

19 Attorneys for Judgment Debtors SACRAMENTO E.D.M.,  
20 INC. AND DANIEL FOLK

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

**ORDER**

Pursuant to the parties' stipulation and good cause appearing therefor,

IT IS HEREBY ORDERED THAT:

(1) The Second Amended Judgment be signed and filed by the Court as the Second Amended Judgment.

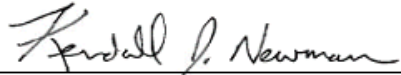
(2) The Examination of Daniel M. Folk pursuant to Code of Civil Procedure Section 708.110 is continued from June 25, 2020, to August 27, 2020, at 10:00 a.m., in Courtroom 25 of the above-entitled Court. Daniel M. Folk shall appear via video conference (Zoom) as the Court may instruct or direct for the Examination on August 27, 2020, unless the Parties stipulate to a further continuance prior to that date.

(3) No further notice of the Examination shall be required.

**IT IS SO ORDERED.**

Dated: June 24, 2020

Jr/288.edm

  
KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE