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 7 Richard N. Zacky Irrevocable Trust dated 11/25/07, the  
 Survivor's Trust of Albert and Beverly Zacky Trust Dated  
 8 2/10/88, and the Barbara Jean Zacky Irrevocable Trust Dated  
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18 Attorneys for Big Feather Ranch, LLC, Lucky Wishbone Ranch, LLC and  
 19 American Huntsman, LLC

20 UNITED STATES DISTRICT COURT  
 21 EASTERN DISTRICT OF CALIFORNIA

23 In re  
 24 ZACKY FARMS, LLC,  
 25 Debtor,  
 26 RICHARD ZACKY, ET AL.,  
 27 Appellants.

CASE No. 2:13-CV-00455  
 Bankruptcy Court Case No. 12-37961

**STIPULATION TO ENLARGE TIME TO  
 FILE APPELLANTS' OPENING BRIEF;  
 ORDER**

1299055v4 / 18027.0004



1 stipulate to other assertions made in this Stipulation.

2 **STIPULATION**

3 **IT IS HEREBY STIPULATED** as follows:

- 4 1. The Parties fully incorporate herein the Recitals set forth above.
- 5 2. The Parties acknowledge that Federal Rules of Bankruptcy Procedure, Rule
- 6 9006(b)(1) provides, in relevant part:

7 ...[W]hen an act is required or allowed to be done at  
 8 or within a specified period by these rules or by a  
 9 notice given thereunder or by order of court, the court  
 10 for cause shown may at any time in its discretion (1)  
 11 with or without motion or notice order the period  
 12 enlarged if the request therefor is made before the  
 13 expiration of the period originally prescribed or as  
 14 extended by a previous order....

15 3. The Parties acknowledge that good cause exists for the enlargement of time  
 16 within which Appellants may file their opening brief . Appellants assert that an enlargement of  
 17 time, as requested, will allow the Parties time to finalize a settlement and a suitable, written  
 18 settlement agreement for presentment to the U.S. Bankruptcy Court for its approval without  
 19 having to incur the added and potentially unnecessary expense of prosecuting or defending the  
 20 appeal. Appellants assert that enlargement of time will also result in the economical use of  
 21 judicial resources in that the District Court will be able to avoid hearing and deciding the appeal in  
 22 the event a final settlement is approved by the U.S. Bankruptcy Court.

23 4. Because motions in the Bankruptcy Court generally require 28 days notice,  
 24 the Parties are requesting that the time to file Appellants' opening brief be enlarged by 45 days or  
 25 more.

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1                   5.       Accordingly, the Parties agree, subject to the District Court's approval, that  
2 Appellants' opening brief shall be due no sooner than July 8, 2013.

3 DATED: May 22, 2013.

BAKER MANOCK & JENSEN, PC

4  
5 By: /s/ Joseph M. Marchini  
Joseph M. Marchini  
6 Carl R. Refuerzo  
Peter G. Fashing  
7 Attorneys for Richard Zacky, individually and in his  
8 capacity as trustee of the Richard N. Zacky Irrevocable  
Trust dated 11/25/07, the Survivor's Trust of Albert and  
9 Beverly Zacky Trust Dated 2/10/88, and the Barbara  
10 Jean Zacky Irrevocable Trust Dated 12/30/06, and ZF  
Enterprises, LLC,

11 DATED: May 21, 2013.

BOUTIN JONES, INC.

12  
13 By: /s/ Mark Gorton  
Mark Gorton  
14 Attorneys for Intergrated Grain & Milling, Inc.

15 DATED: May 22, 2013.

THE LAW OFFICES OF THOMAS H.  
ARMSTRONG

17 By: /s/ Thomas H. Armstrong  
18 Thomas H. Armstrong  
19 Attorneys for Big Feather Ranch, LLC, Lucky  
Wishbone Ranch, LLC and American Huntsman, LLC

21 DATED: May 21, 2013

FELDERSTEIN FITZGERALD WILLOUGHBY &  
PASCUZZI, LLP

23  
24 By: /s/ Thomas A. Willoughby  
Thomas A. Willoughby  
25 Attorneys for Zacky Farms, LLC

26 [*Signatures continued on next page*]

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1 DATED: May 22, 2013

LOWENSTEIN SANDLER LLP

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By: /s/ Wojciech F. Jung  
Wojciech F. Jung  
Attorneys for Co-Counsel to the Official Committee of  
Unsecured Creditors

**ORDER**

Having read the Stipulation of the Parties, and good cause appearing, **IT IS  
HEREBY ORDERED:**

1. Appellants' opening brief shall be due on July 8, 2013.
2. The appellee's opening brief shall be due within fourteen (14) days after service of Appellants' opening brief.
3. Appellants may file a reply brief with the District Court, within fourteen (14) days after service of appellee's opening brief.
4. Once all briefs have been submitted, the Appellants are to notify the court in writing, within fourteen (14) days after service of Appellants' reply brief, that the appeal is ready for oral argument.

DATED: May 22, 2013

/s/ John A. Mendez  
U. S. DISTRICT COURT JUDGE