1	Joseph M. Marchini #082427		
2			
3	BAKER MANOCK & JENSEN, PC 5260 North Palm Avenue, Fourth Floor		
4	Fresno, California 93704 Telephone: 559.432.5400 Foocimila: 559.432.5620		
5	Facsimile: 559.432.5620   Email: jmarchini@bakermanock.com   Email: crefuerzo@bakermanock.com		
6			
7	Attorneys for Richard Zacky, individually and in his capacity as trustee of the 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		
9			
10	Mark Gorton #99312 BOUTIN JONES, INC. 555 Capitol Mall, Suite 1500		
11	Sacramento, CA 95814		
12			
13	Email: mgorton@boutinjones.com		
14	Attorneys for Creditor Integrated Grain & Milling, Inc.		
15	Thomas H. Armstrong #146016 THE LAW OFFICES OF THOMAS H. ARMSTRONG		
16			
17	Telephone: (559) 447-4700 Facsimile: (559) 449-2693		
18	Email: lawoffices5250@sbcglobal.net		
19	Attorneys for Big Feather Ranch, LLC, Lucky Wishbone Ranch, LLC and		
20	UNITED STATES DISTRICT COURT		
21	EASTERN DISTRICT OF CALIFORNIA		
22			
23	In re	CASE No. 2:13-CV-00455	
24	ZACKY FARMS, LLC,	Bankruptcy Court Case No. 12-37961	
25	Debtor,	STIPULATION TO ENLARGE TIME TO	
26	RICHARD ZACKY, ET AL.,	FILE APPELLANTS' OPENING BRIEF; ORDER	
27	Appellants.	<del></del>	
28			
	1299055v4 / 18027.0004		

2	is entered into by and between appellants Richard Zacky (individually and in his capacity as		
3	trustee of the Richard N. Zacky Irrevocable Trust dated 11/25/07, the Survivor's Trust of Albert		
4	and Beverly Zacky Trust Dated 2/10/88, and the Barbara Jean Zacky Irrevocable Trust Dated		
5	12/30/06), ZF Enterprises, LLC, Integrated Grain & Milling, Inc., American Huntsman, LLC, Big		
6	Feather Ranch, LLC, and Lucky Wishbone Ranch, LLC (collectively, "Appellants"), the Official		
7	Committee of Unsecured Creditors ("Creditors' Committee"), and Zacky Farms, LLC ("Debtor"),		
8	by and through their respective attorneys of record.		
9	<u>RECITALS</u>		
10	A. On May 9, 2013, the Clerk of Court for the United States District Court,		
11	Eastern District of California ("District Court") filed its Briefing Schedule in Bankruptcy Appeal		
12	("Briefing Schedule"). According to the Briefing Schedule and, as provided by Federal Rule of		
13	Bankruptcy Procedure 8009, Appellants' opening brief and excerpts of record must be filed with		
14	the District Court within fourteen (14) days of May 9, 2013. Accordingly, the Appellants'		
15	opening brief and excerpts of record are due on or before May 23, 2013.		
16	B. Appellants, the Creditors' Committee and the Debtor (collectively,		
17	"Parties") have reached a tentative settlement of this matter.		
18	C. Appellants believe that a final settlement will be forthcoming at which time		
19	a suitable, written settlement agreement among the Parties will be finalized, and the Parties will		
20	seek U.S. Bankruptcy Court approval of the settlement. Upon approval by the U.S. Bankruptcy		
21	Court, Appellants will dismiss the appeal.		
22	D. In order to avoid unnecessary expense and effort on the part of the Parties in		
23	prosecuting and defending the appeal, and the unnecessary expenditure of judicial resources in		
24	hearing and deciding the Appeal in the event a final settlement is approved by the U.S. Bankrupto		
25	Court, the Parties desire to enlarge the time within which Appellants may file their opening brief.		
26	Accordingly, the Parties have entered into this Stipulation.		
27	E. The Committee is willing to stipulate to Appellants' request for an		
28	enlargement of time within which to file Appellant's opening brief but the Committee does not 1299055v4 / 18027.0004		

This Stipulation to Enlarge Time to File Appellants' Opening Brief ("Stipulation")

1 stipulate to other assertions made in this Stipulation. 2 **STIPULATION** 3 IT IS HEREBY STIPULATED as follows: 1. The Parties fully incorporate herein the Recitals set forth above. 4 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 or within a specified period by these rules or by a notice given thereunder or by order of court, the court 8 for cause shown may at any time in its discretion (1) 9 with or without motion or notice order the period enlarged if the request therefor is made before the expiration of the period originally prescribed or as 10 extended by a previous order.... 11 3. The Parties acknowledge that good cause exists for the enlargement of time 12 within which Appellants may file their opening brief. Appellants assert that an enlargement of 13 time, as requested, will allow the Parties time to finalize a settlement and a suitable, written 14 settlement agreement for presentment to the U.S. Bankruptcy Court for its approval without 15 having to incur the added and potentially unnecessary expense of prosecuting or defending the 16 appeal. Appellants assert that enlargement of time will also result in the economical use of 17 judicial resources in that the District Court will be able to avoid hearing and deciding the appeal in 18 the event a final settlement is approved by the U.S. Bankruptcy Court. 19 4. Because motions in the Bankruptcy Court generally require 28 days notice, 20 the Parties are requesting that the time to file Appellants' opening brief be enlarged by 45 days or 21 more. 22 23 24 25 26 27 28 1299055v4 / 18027.0004

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
7		Peter G. Fashing 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.
16		ARMSTRONG
17		Dru /a/Thomas II Amastrona
18		By: /s/ Thomas H. Armstrong Thomas H. Armstrong
19		Attorneys for Big Feather Ranch, LLC, Lucky Wishbone Ranch, LLC and American Huntsman, LLC
20		
21	DATED: M 21, 2012	EEL DEDCTEIN EITZGED ALD WILL OLIGHDY (
22	DATED: May 21, 2013	FELDERSTEIN FITZGERALD WILLOUGHBY & PASCUZZI, LLP
23		
24		By: /s/ Thomas A. Willoughby
25		Thomas A. Willoughby Attorneys for Zacky Farms, LLC
26	[Signatures continued on next page	
27		
28		
20	1299055v4 / 18027.0004	4

DATED: May 22, 2013 1 LOWENSTEIN SANDLER LLP 2 By: /s/ Wojciech F. Jung 3 Wojciech F. Jung Attorneys for Co-Counsel to the Official Committee of 4 **Unsecured Creditors** 5 6 **ORDER** 7 Having read the Stipulation of the Parties, and good cause appearing, IT IS 8 **HEREBY ORDERED:** 9 1. Appellants' opening brief shall be due on July 8, 2013. 10 2. The appellee's opening brief shall be due within fourteen (14) days after 11 service of Appellants' opening brief. 12 3. Appellants may file a reply brief with the District Court, within fourteen 13 (14) days after service of appellee's opening brief. 14 4. Once all briefs have been submitted, the Appellants are to notify the court 15 in writing, within fourteen (14) days after service of Appellants' reply brief, that the appeal is 16 ready for oral argument. 17 DATED: May 22, 2013 18 /s/ John A. Mendez 19 U. S. DISTRICT COURT JUDGE 20 21 22 23 24 25 26 27 28 1299055v4 / 18027.0004