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Attorneys for Defendants  
RICHARD B. BENDER II and JOE KEYES

15 UNITED STATES DISTRICT COURT

16 EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION

18 FRANK M. BOOTH, INC., a California  
corporation,

19 Plaintiff,

20 v.

21 THERMACOR PROCESS, L.P., a Texas  
22 limited partnership; THERMACOR  
PROCESS, INC., a Texas corporation;  
23 THERMACOR, L.C., a Texas limited  
liability company; RICHARD B.  
24 BENDER II, an individual; JOE KEYES,  
an individual; and DOES 21 through 50,  
25 inclusive,

26 Defendants.

Case No. 2:13-CV-01831-MCE-CKD

**STIPULATION AND ORDER VACATING  
SETTLEMENT CONFERENCE DATE**

(Yolo County Superior Court Case  
No. CV13-1298)

Trial Date: March 7, 2016

1 Plaintiff Frank M. Booth, Inc. ("Plaintiff") and Defendants Thermacor Process, L.P.,  
2 Thermacor Process, Inc., Thermacor, L.C., Richard B. Bender II, and Joe Keyes ("Defendants"),  
3 through their respective undersigned counsel, hereby stipulate as follows:

4 1. The parties have agreed to submit this matter to private mediation with mediator  
5 Bruce Edwards, on April 17, 2015. The mediation will involve the issues raised in Plaintiff's  
6 Complaint, as well claims arising out of the related State Court matter, *The Regents of the*  
7 *University of California v. McGuire and Hester, et al.*, Yolo County Superior Court, Case No.  
8 CV13-383.

9 2. The parties agree that good cause exists for a continuance of the Mandatory  
10 Settlement Conference currently scheduled in this matter for March 5, 2015.

11 3. The parties agree that at this time, the best opportunity to resolve this matter will  
12 be to address this and the State Court claims simultaneously in the hopes of reaching a global  
13 settlement.

14 4. The parties agree that while all parties would participate in the Mandatory  
15 Settlement Conference in good faith, it would be difficult to resolve the claims without  
16 simultaneously addressing the State Court claims. As the State Court claims involve entities that  
17 are not parties to this Federal Court action, the parties believe that the best use of the Court's time  
18 and resources would be to conduct a Mandatory Settlement Conference at some time after the  
19 scheduled mediation on April 17, 2015.

20 5. As the Trial in this matter is currently scheduled for March 7, 2016, no parties will  
21 be prejudiced by vacating the current Mandatory Settlement Conference and rescheduling it for a  
22 date after April 17, 2015.

23 6. The parties agree that this Stipulation may be signed in counterparts and submitted  
24 to the Court in that manner. The parties also agree that facsimile copies of signatures may be  
25 submitted to the Court.

26 7. The parties agree that the parties' Joint Application to Continue Trial, filed  
27 herewith, may be heard on an ex parte basis.  
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1 Dated: February 19, 2015

TRAINOR FAIRBROOK

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By: /s/ Michael S. Middleton

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MICHAEL S. MIDDLETON  
Attorneys for Defendants  
THERMACOR PROCESS, LP,  
THERMACOR PROCESS, INC. and  
THERMACOR, L.C.

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Dated: February 18, 2015

HANSON BRIDGETT, LLP

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By: /s/ Sean P. Thompson

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SEAN P. THOMPSON  
Attorneys for Plaintiff  
FRANK M. BOOTH, INC.

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Dated: February 19, 2015

DOWNEY BRAND LLP

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By: /s/ Matthew J. Weber

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MATTHEW J. WEBER  
Attorneys for Defendants  
RICHARD B. BENDER II and JOE  
KEYES

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**ORDER**

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Pursuant to the foregoing stipulation, and for good cause appearing therefor, the March  
19 5, 2015 Mandatory Settlement Conference is hereby VACATED. The parties are ORDERED to  
20 file a status report one week after the private mediation, currently scheduled for April 17, 2015,  
21 occurs.

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IT IS SO ORDERED.

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Dated: February 23, 2015

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MORRISON C. ENGLAND, JR., CHIEF JUDGE  
UNITED STATES DISTRICT COURT

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