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UNITED STATES DISTRICT COURT	
EASTERN D	ISTRICT OF CALIFORNIA
FRANK M. BOOTH, INC., a California Corporation, Plaintiff, vs. THERMACOR PROCESS, L.P., A Texas limited partnership; et al., Defendants.	) Case No.: 2:13-cv-01831-MCE-CKD ) ) JOINT STATUS REPORT AND STIPULATION ) AND ORDER RE-SETTING DISCOVERY ) COMPLETION AND DISCLOSURE OF EXPERT ) WITNESS DATES ) ) (Yolo County Superior Court Case No. CV13- 1298) ) ) Trial Date: March 7, 2016
JOINT STATUS AND STIPULATION AND ORI	1 DER RE-SETTING DISCOVERY COMPLETION AND
DISCLOSURE OF EXPERT WITNESS, AND T Case No.: 2:13-cv-01831-MCE-CKD	RIAL DATES

Plaintiff Frank M. Booth, Inc. ("Plaintiff") and Defendants Thermacor Process, LP, Thermacor Process, Inc., Thermacor, LC, Richard B. Bender, II and Joe Keyes ("Defendants"), submit the following Joint Status Report.

The parties participated in private mediation with mediator Bruce Edwards, on April 17, 2015. The mediation involved the issues raised in Plaintiff's Complaint, as well as claims arising out of the related State Court matter, *The Regents of the University of California v. McGuire and Hester, et al.,* Yolo County Superior Court, Case No. CV13-383.

Though the mediation session on April 17, 2015 was not successful, the parties have continued settlement discussions and scheduled a further Defense Mediation for October 30, 2015. It is the intent of the parties to schedule a further mediation with UC Davis, if warranted, after the Defense Mediation on October 30, 2015. The parties would anticipate that if a further mediation session is scheduled with The Regents of the University of California, it will take place in December 2015 or January 2016.

## **STIPULATION**

Given the current status of this matter, Plaintiff Frank M. Booth, Inc., ("Plaintiff") and Defendants Thermacor Process, LP, Thermacor Process, Inc. and Thermacor, LC, Richard B. Bender, II and Joe Keyes ("Defendants"), through their respective undersigned counsel, hereby stipulate as follows:

1.The parties have agreed to continue with the mediation process with aDefense Mediation on October 30, 2015.

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

3. The parties agree that good cause exists to vacate and re-set the Discovery Completion date of September 30, 2015, as previously ordered by the Court in its May 11, 2015 Order, to February 28, 2016.

4. The parties agree that good causes exists to vacate and re-set the date of September 30, 2015 for the Disclosure of Expert Witnesses, as previously ordered by the Court in its May 11, 2015 Order, to February 28, 2016.

5. Trial is currently scheduled in March 7, 2016. The State Court action is scheduled for June 13, 2016. In an effort to maintain judicial economy and possibly resolve the State Court Action, the parties Stipulate that the March 7, 2016 trial date should be vacated and this matter placed on the Court's trial calendar for a date following the June 13, 2016 State Court trial. No parties will be prejudiced by vacating and re-setting the current dates set for the completion of Discovery and Disclosure of Expert Witnesses and continuing the Trial date.

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

7. The parties agree that the subject matter of this Joint Status Report and Stipulation and Order Re-Setting Discovery Completion, Expert Witness Disclosure, and Trial dates, may be heard on an ex parte basis.

Dated: October 5, 2015

MURO & LAMPE, INC.

<u>/s/ Michael A. Felsted</u> Ross E. Lampe, Esq. Michael A. Felsted, Esq. Attorneys for Plaintiff FRANK M. BOOTH, INC.

3 JOINT STATUS AND STIPULATION AND ORDER RE-SETTING DISCOVERY COMPLETION AND DISCLOSURE OF EXPERT WITNESS, AND TRIAL DATES Case No.: 2:13-cv-01831-MCE-CKD

D	ated: October 5, 2015	TRAINOR FAIRBROOK		
		<u>/s/ Michael S. Middleton</u>		
		Michael S. Middleton, Esq. Attorneys for Defendants		
		THERMACOR PROCESS, LP, THERMACO PROCESS, INC., THERMACOR, LC		
Dated: October 5, 2015	DOWNEY BRAND LLP /s/ Matthew J. Weber			
				Matthew J. Weber, Esq. Attorneys for Defendants
				<b>RICHARD S. BENDER, II and</b>
			JOE KEYES	
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1 ORDER 2 Pursuant to the foregoing stipulation, and for good cause appearing therefore, it is 3 ordered that the Discovery Completion and Disclosure of Expert Witness date of September 4 30, 2015 is continued to February 28, 2016. The March 7, 2016, trial date is VACATED 5 and CONTINUED to September 19, 2016, at 9:00 a.m. The final pretrial conference is 6 7 continued to July 28, 2016, at 2:00 p.m. 8 Because of the continuance of the trial and the final pretrial conference, the 9 following dates are continued as well: 10 1. The Joint Final Pretrial Conference Statement shall be filed not later than July 11 7, 2016. 12 13 2. Trial briefs shall be filed not later than July 14, 2016. 14 3. Any evidentiary or procedural motions are to be filed by July 7, 2016. 15 Oppositions must be filed by July 14, 2016, and any reply must be filed by July 21, 2016. 16 The motions will be heard by the Court at the same time as the Final Pretrial Conference. 17 IT IS SO ORDERED. 18 Dated: October 5, 2015 19 20 21 22 MORRISON C. ENGLAND, JR. CHIEF JUDGE UNITED STATES DISTRICT COURT 23 24 25 26 27 28 5 JOINT STATUS AND STIPULATION AND ORDER RE-SETTING DISCOVERY COMPLETION AND **DISCLOSURE OF EXPERT WITNESS, AND TRIAL DATES** Case No.: 2:13-cv-01831-MCE-CKD