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 11 **THERMACOR, LC**

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19 **Attorneys for Defendant:**  
 20 **FRANK M. BOOTH, INC.**

21 **UNITED STATES DISTRICT COURT**  
 22 **EASTERN DISTRICT OF CALIFORNIA**

23 **FRANK M. BOOTH, INC., a California**  
 24 **Corporation,**

25 **Plaintiff,**

26 **vs.**

27 **THERMACOR PROCESS, L.P., A**  
 28 **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**  
 )  
 )  
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1 Plaintiff Frank M. Booth, Inc. ("Plaintiff") and Defendants Thermacor Process, LP,  
2 Thermacor Process, Inc., Thermacor, LC, Richard B. Bender, II and Joe Keyes  
3 ("Defendants"), submit the following Joint Status Report.  
4

5 The parties participated in private mediation with mediator Bruce Edwards, on April  
6 17, 2015. The mediation involved the issues raised in Plaintiff's Complaint, as well as  
7 claims arising out of the related State Court matter, *The Regents of the University of*  
8 *California v. McGuire and Hester, et al.*, Yolo County Superior Court, Case No. CV13-383.  
9

10 Though the mediation session on April 17, 2015 was not successful, the parties  
11 have continued settlement discussions and scheduled a further Defense Mediation for  
12 October 30, 2015. It is the intent of the parties to schedule a further mediation with UC  
13 Davis, if warranted, after the Defense Mediation on October 30, 2015. The parties would  
14 anticipate that if a further mediation session is scheduled with The Regents of the  
15 University of California, it will take place in December 2015 or January 2016.  
16

#### 17 STIPULATION

18 Given the current status of this matter, Plaintiff Frank M. Booth, Inc., ("Plaintiff")  
19 and Defendants Thermacor Process, LP, Thermacor Process, Inc. and Thermacor, LC,  
20 Richard B. Bender, II and Joe Keyes ("Defendants"), through their respective undersigned  
21 counsel, hereby stipulate as follows:  
22

23 1. The parties have agreed to continue with the mediation process with a  
24 Defense Mediation on October 30, 2015.

25 2. The parties continue to agree that at this time, the best opportunity to  
26 resolve this matter will be to address this and the State Court claims simultaneously in  
27 hopes of reaching a global settlement.  
28



1 **Dated: October 5, 2015**

**TRAINOR FAIRBROOK**

2  
3 /s/ Michael S. Middleton  
4 Michael S. Middleton, Esq.  
5 Attorneys for Defendants  
6 THERMACOR PROCESS, LP, THERMACOR  
7 PROCESS, INC., THERMACOR, LC

8 **Dated: October 5, 2015**

**DOWNEY BRAND LLP**

9  
10 /s/ Matthew J. Weber  
11 Matthew J. Weber, Esq.  
12 Attorneys for Defendants  
13 RICHARD S. BENDER, II and  
14 JOE KEYES

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 continued to July 28, 2016, at 2:00 p.m.  
7


8 Because of the continuance of the trial and the final pretrial conference, the  
9 following dates are continued as well:  
10

- 11 1. The Joint Final Pretrial Conference Statement shall be filed not later than July  
12 7, 2016.
- 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

18 **IT IS SO ORDERED.**

19 **Dated: October 5, 2015**

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22 \_\_\_\_\_  
23 MORRISON C. ENGLAND, JR., CHIEF JUDGE  
24 UNITED STATES DISTRICT COURT  
25  
26  
27  
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