

TRAINOR FAIRBROOK
Attorneys At Law
980 FULTON AVENUE
SACRAMENTO, CALIFORNIA 95825
Telephone: (916) 929-7000
Facsimile: (916) 929-7111

1 TRAINOR FAIRBROOK
MICHAEL S. MIDDLETON (SBN 161465)
2 mmiddleton@trainorfairbrook.com
980 Fulton Avenue
3 Sacramento, California 95825
Telephone: (916) 929-7000
4 Facsimile: (916) 929-7111
mlr:5547001.1434877.1

5 Attorneys for Defendants
6 THERMACOR PROCESS, LP,
THERMACOR PROCESS, INC. and
7 THERMACOR, L.C.

8 MURO & LAMPE, INC.
MICHAEL A. FELSTED (SBN 227627)
9 michael.felsted@muro-lampe.com
75 Iron Point Circle, Suite 155
10 Folsom, California 95630
Telephone: (916) 817-6300
11 Facsimile: (916) 817-6355

12 Attorneys for Plaintiff
FRANK M. BOOTH, INC.

DOWNEY BRAND LLP
MATTHEW J. WEBER (SBN 227314)
mweber@downeybrand.com
3425 Brookside Road, Suite A
Stockton, California 95219
Telephone: (209) 473-6450
Facsimile: (209) 473-6455

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

**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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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 Melissa Aliotti, on February 24, 2016. 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 February 24, 2016 was not successful, the parties are continuing settlement discussions through Ms. Aliotti. It is the intent of the parties to schedule a further mediation with UC Davis, if necessary. 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 March or April 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.
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 February 28, 2016, as previously ordered by the Court in its October 5, 2015 Order, to August 12, 2016.

TRAINER FAIRBROOK
Attorneys At Law
980 FULTON AVENUE
SACRAMENTO, CALIFORNIA 95825
Telephone: (916) 929-7000
Facsimile: (916) 929-7111

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated: March 7, 2016

DOWNEY BRAND LLP


By: /s/ Matthew J. Weber
MATTHEW J. WEBER
Attorneys for Defendants
RICHARD B. BENDER II and JOE
KEYES

ORDER

Pursuant to the foregoing stipulation, and for good cause appearing therefor, it is ordered that the Discovery Completion and Disclosure of Expert Witness date of February 28, 2016 is continued to August 12, 2016.

IT IS SO ORDERED.

Dated: March 10, 2016



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