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

26 Defendants.

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

**JOINT STIPULATION AND ORDER
CONTINUING TRIAL DATE AND
DISCOVERY COMPLETION DATES**

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

Trial Date: September 19, 2016

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 ("Defendants"),
3 submit the following Joint Stipulation Continuing Trial Date and Discovery Completion Dates.

4 The parties participated in private mediation with mediator Melissa Aliotti, on February
5 23, 2016 and February 24, 2016. The mediation involved the issues raised in Plaintiff's
6 Complaint, as well as 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

10 Though the mediation session on February 24, 2016 was not successful, the parties are
11 continuing settlement discussions through Ms. Aliotti. The parties scheduled a further mediation
12 with UC Davis for July 19, 2016 and/or July 20, 2016.
13

14 STIPULATION

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

- 19 1. The parties have agreed to continue with the mediation process.
- 20 2. The parties continue to agree that at this time, the best opportunity to resolve this
21 matter will be to address this and the State Court claims simultaneously in hopes of reaching a
22 global settlement.
- 23 3. The parties agree that good cause exists to vacate the September 19, 2016 Trial
24 Date, the Discovery Completion Date of August 12, 2016, and the Disclosure of Expert Witness
25 Date of August 12, 2016, as previously ordered by the Court in its March 11, 2016 Order.
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4. Trial is currently scheduled on September 19, 2016. The State Court action is scheduled for Trial on November 14, 2016. In an effort to maintain judicial economy and possibly resolve the State Court Action, the parties Stipulate that the September 19, 2016 Trial Date, the Discovery Completion Date and Disclosure of Expert Witness Date be vacated and reset to a date following the November 14, 2016 State Court action. No parties will be prejudiced by vacating and re-setting the current Trial Date, completion of Discovery and Disclosure of Expert Witnesses.

Dated: May 17, 2016

MURO & LAMPE, INC.

By: /s/ Michael A. Felsted
MICHAEL A. FELSTED
Attorneys for Plaintiff
FRANK M. BOOTH, INC.

Dated: May 17, 2016

TRAINOR FAIRBROOK

By: /s/ Michael S. Middleton
MICHAEL S. MIDDLETON
Attorneys for Defendants
THERMACOR PROCESS, LP,
THERMACOR PROCESS, INC. and
THERMACOR, L.C.

Dated: May 17, 2016

DOWNEY BRAND LLP

By: /s/ Matthew J. Weber
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RICHARD B. BENDER II and JOE
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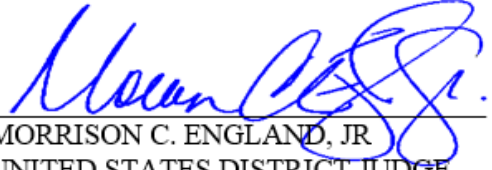
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ORDER

Pursuant to the foregoing stipulation, and for good cause appearing therefor, it is ordered that the Trial Date of September 19, 2016, the Discovery Completion and Disclosure of Expert Witness dates of August 12, 2016, and all related dates are hereby VACATED. A new trial will be set, if necessary, upon completion of the State Court Action. Not later than January 2, 2017, the parties are directed to file a further joint status report.

IT IS SO ORDERED.

Dated: May 23, 2016


MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE