

1 **BOUTIN JONES INC.**
Michael E. Chase, SBN 214506
2 Bashar S. Ahmad, SBN 258619
555 Capitol Mall, Suite 1500
3 Sacramento, CA 95814-4603
Telephone: (916) 321-4444
4 Facsimile: (916) 441-7597

5 Attorneys for Defendant and Counter-Claimant *Paul Francois*

6 **GLENN W. PETERSON, ESQ. (SBN 126173)**
7 **MILLSTONE PETERSON & WATTS, LLP**
Attorneys at Law
8 2267 Lava Ridge Court, Suite 210
Roseville, CA 95661
9 Telephone No: (916) 780-8222
Fax No: (916) 780-8775

10 Attorneys for Plaintiff/Counter-Defendant *The Plane Exchange, Inc.*

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13 **UNITED STATES DISTRICT COURT**
14 **EASTERN DISTRICT OF CALIFORNIA**
15

16 THE PLANE EXCHANGE, INC.)

Case No. 2:14-CV-00784-WBS-KJN

17 Plaintiff,)

**STIPULATION AND [PROPOSED]
ORDER TO STAY PROCEEDINGS**

18 vs.)

19 PAUL FRANCOIS, a natural person)

20 Defendant.)

21
22 PAUL FRANCOIS,)

23 Counter-claimant,)

24 vs.)

25 THE PLANE EXCHANGE, INC., a California)
26 corporation)

27 Counter-defendant.)



MILLSTON
PETERSON
WATTS, LL

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2 PAUL FRANCOIS,
3 Plaintiff,
4 vs.
5 CRAIG VINCENT
6 Defendant.

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9 Plaintiff/Counter-Defendant The Plane Exchange, Inc. (“TPX”), and Defendant/Counter-
10 Claimant Paul Francois (“Francois”), the non-bankrupt parties in this consolidated action, by and
11 through their undersigned counsel of record, hereby stipulate as follows and propose that the Court
12 enter an order consistent with its terms present.

13 RECITALS

14 **WHEREAS**, on Thursday, January 15, 2015, the undersigned counsel for TPX discovered
15 that Defendant Craig Vincent (“Vincent”) commenced a voluntary Chapter 13 Bankruptcy
16 proceeding on or about November 26, 2014. A notice of automatic stay was filed by TPX’s counsel
17 earlier today (Doc. 20).

18 **WHEREAS**, although Vincent’s petition was filed in November, neither TPX’s counsel nor
19 counsel for Francois was notified. Vincent’s Bankruptcy was discovered immediately prior to
20 commencement of Mr. Vincent’s deposition. So as to avoid any arguable violations of the automatic
21 stay, counsel mutually agreed to suspend Vincent’s examination, both individually and as a PMK on
22 behalf of TPX.

23 **WHEREAS**, since then, counsel have met and conferred over the impact of Vincent’s
24 bankruptcy on this case, and both sides agree that this action is undoubtedly stayed as to Vincent.
25 However, Francois is not prepared at this point to dismiss Vincent, at least without further
26 investigation into obtaining relief from stay, and related matters.

27 **WHEREAS**, Counsel also agree that this unexpected development materially alters the
28 settlement landscape of this case, and desire to reevaluate settlement scenarios in light of it.

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ORDER

GOOD CAUSE APPEARING, IT IS SO ORDERED.

Dated: January 23, 2015



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE