

1 Jan L. Kahn, SBN 055788  
 Ann M. Grottveit, SBN 256349  
 2 KAHN, SOARES & CONWAY, LLP  
 219 No. Douty Street  
 3 Hanford, CA 93230  
 Telephone: (559) 584-3337  
 4 Facsimile: (559) 584-3348  
 e-mail: jkahn@kschanford.com  
 5 agrottveit@kscsacramento.com

**\*E-FILED - 12/1/10\***

6 Attorneys for Plaintiff and Counterdefendant,  
 ANDREW SMITH COMPANY  
 7

8 IN THE UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA  
 10 SAN JOSE DIVISION

11 ANDREW SMITH COMPANY, a general	)	Case No. 5:08-CV-04802-RMW
12 partnership	)	
	)	<b>STIPULATION TO STAY ACTION AND</b>
13 Plaintiff,	)	<b>CONTINUE TRIAL DUE TO</b>
	)	<b>BANKRUPTCY FILINGS OF SALVADOR</b>
14 vs.	)	<b>PAUL TARANTINO AND PREMIUM</b>
	)	<b>FRESH FARMS, LLC</b>
15 PAUL’S PAK, INC.; PREMIUM FRESH	)	<b>AND ORDER</b>
16 FARMS, LLC; PDP & ASSOCIATES, LLC; et al.,)	)	
	)	
17 Defendants.	)	
	)	
	)	
19 _____)	)	
20 AND RELATED COUNTERCLAIMS.	)	
	)	
21 _____)	)	

22 TO THE COURT AND ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

23 IT IS HEREBY STIPULATED by and between Plaintiff, ANDREW SMITH COMPANY  
 24 (“Plaintiff” or “Andrew Smith”) and Defendants, PAUL’S PAK, INC. (“Paul’s Pak”), SALVADOR  
 25 PAUL TARANTINO (“Sal Tarantino”), PREMIUM FRESH FARMS, LLC (“Premium Fresh”); AG  
 26 HARVESTING & TECHNOLOGIES, LLC (“Ag Harvesting”); ESV INVESTMENTS, LLC  
 27 (“ESV”); EMMITT L. PFOST (“Pfostr”); JOHN D. TAMAGNI (“Tamagni”); ROBERT ELLIOTT  
 28 (“ESV”); EMMITT L. PFOST (“Pfostr”); JOHN D. TAMAGNI (“Tamagni”); ROBERT ELLIOTT

1 (“Elliott”); JAMES S. TAMAGNI; RICHARD TAMAGNI; STEVE CHURCH; THOMAS  
2 CHURCH; DAVID GILL; CHURCH BROTHERS, LLC (“Church Brothers”); and TRUE LEAF  
3 FARMS, LLC (“True Leaf”) (collectively “Defendants”), and their counsel of record that the above  
4 captioned action be continued and in support thereof state as follows:

- 5 1. On November 18, 2010, the Defendant Sal Tarantino filed for bankruptcy protection in  
6 the Bankruptcy Court for the Northern District of California, Case # 10-14430  
7 triggering an automatic stay as to that Defendant and any assets of the Defendant’s  
8 bankruptcy estate. The filing of this bankruptcy, however, was not discovered by  
9 counsel and the other parties until Monday, November 29, 2010;
- 10 2. That the Statement of Financial Affairs, filed by Sal Tarantino along with his  
11 bankruptcy petition, list Paul’s Pak Inc., as an asset and Sal Tarantino as the sole  
12 owner and shareholder of Paul’s Pak, Inc.;
- 13 3. On November 22, 2010, the Defendant Premium Fresh Farms, LLC filed for  
14 bankruptcy protection in the Bankruptcy Court for the Northern District of California,  
15 Case # 10-62036, triggering an automatic stay as to that Defendant and any assets of  
16 the Defendant’s bankruptcy estate. Notice of said filing was given to all counsel and  
17 filed with the Court on this date;
- 18 4. That the Bankruptcy filings of Premium Fresh list certain account receivables as the  
19 only asset of the Premium Bankruptcy estate;
- 20 5. That Paul’s Pak has filed a motion for ex parte relief from the stay in the Premium  
21 Fresh bankruptcy, which motion has been opposed by Premium Fresh and the  
22 bankruptcy trustee. Said motion remains under consideration;
- 23 6. That the parties have met and conferred and agree that resolution of these bankruptcy  
24 matters by way of relief from the stay or agreements with the respective bankruptcy  
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trustees must occur in order to move forward with the remaining parties and ensure compliance with the automatic stay provisions of 11 U.S.C. §362(a);

7. Based on the foregoing, the parties stipulate that the action is stayed, that the trial now set to begin December 2, 2010, in this Court be taken off calendar and continued to a date uncertain and to be reset at a status conference to be held on January 28, 2011, at 10:30 a.m. at which time the parties will advise the Court of the status of the above mentioned bankruptcy matters.

**SO STIPULATED:**

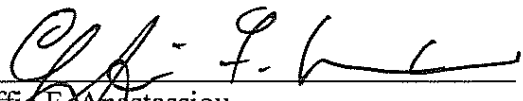
Dated: December 1, 2010

KAHN, SOARES & CONWAY, LLP

By: \_\_\_\_\_ /S/  
Jan L. Kahn  
Ann M. Grottveit  
Attorneys for Plaintiff and Counterdefendant  
ANDREW SMITH COMPANY

Dated: December 1, 2010

ANASTASSIOU & ASSOCIATES

By:  \_\_\_\_\_  
Effie F. Anastassiou  
Attorneys for Defendants PAUL'S PAK, INC.,  
SALVADOR PAUL TARANTINO, and  
Counterclaimant, PAUL'S PAK, INC.

Dated: December 1, 2010

SMITHERS LAW FIRM

By: \_\_\_\_\_ /S/  
Edward W. Smithers  
  
And  
  
Stephen McCarron

