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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

J.R. SIMPLOT COMPANY, individually and
derivatively,

Plaintiff,

v.

WASHINGTON POTATO COMPANY;
OREGON POTATO COMPANY; FRANK
TIEGS; and DOES 1 THROUGH 10,

Defendants.

No. C16-1851 RSM

STIPULATION AND ORDER
RE: MOTION FOR TEMPORARY
RESTRAINING ORDER AND
PRELIMINARY INJUNCTION

I. STIPULATION

The parties, by and through undersigned counsel, hereby stipulate as follows:

Pending briefing and argument on Plaintiff’s Motion for Temporary Restraining Order and Preliminary Injunction [Dkt. 75] (the “Motion”) (on a date and schedule to be determined) and pending the Court’s ruling on the Motion, Defendants and those acting on their behalf and at their direction shall not:

1. Undertake any actions based upon, or in furtherance of, WPC’s attempt to unilaterally declare WPC the owner of Plaintiff’s ownership in Pasco Processing;
2. Otherwise undertake any actions with respect to the management of Pasco Processing LLC (“Pasco”) that are inconsistent with Simplot owning a membership interest in Pasco, including making any statements to Pasco employees, vendors, customers, or lenders to the effect that Simplot does not own any interest in Pasco;

STIPULATION AND ORDER
(Case. No. No. 2:16-cv-01851-RSM) - 1

Davis Wright Tremaine LLP
LAW OFFICES
1201 Third Avenue, Suite 2200
Seattle, WA 98101-3045
206.622.3150 main · 206.757.7700 fax

- 1 3. Undertake any acts to disrupt supply to Plaintiff from Pasco, Gem State
2 Processing, LLC and/or any other source;
- 3 4. Undertake any acts to acquire Plaintiff's ownership in Pasco outside of
4 resolution through litigation.

5 By so stipulating, Defendants in no way concede the merits of the Motion, nor do they consent
6 to the Court's jurisdiction, which they contest. [Dkt. 49]. Nothing in this Stipulation shall
7 preclude Defendants from taking any action in this case or other pending litigation.

8 DATED this 23rd day of March, 2017.

9
10 DAVIS WRIGHT TREMAINE LLP
11 Attorneys for Defendants Washington Potato
12 Co., Oregon Potato Co., and
13 Frank Tiegs

14 YARMUTH WILSDON PLLC
15 Attorney for Plaintiff J.R. Simplot Company

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II. ORDER

Based on the above Stipulation and subsequent communication from counsel for the parties, the Court will now construe Plaintiff's Motion for Temporary Restraining Order and Preliminary Injunction (Dkt. #75) as a Motion for Preliminary Injunction only. This Motion shall be renoted by the Clerk for consideration on April 14, 2017, as set forth in Local Rule 7(d)(3). Any opposition or reply papers shall be filed and served by the deadlines set in that Local Rule.

DATED this 23rd day of March 2017.



RICARDO S. MARTINEZ
CHIEF UNITED STATES DISTRICT JUDGE