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16 UNITED STATES DISTRICT COURT
17 EASTERN DISTRICT OF CALIFORNIA

18 CITY OF LODI, CALIFORNIA,

19 Plaintiff,

20 v.

21 M&P INVESTMENTS, et al.

22 Defendants.

Case No. CIV-S-00-2441 FCD JFM

**STIPULATION FOR EXTENSION OF
TIME TO RESPOND TO THE
FOURTH AMENDED COMPLAINT;
ORDER**

23 AND RELATED CROSS-CLAIMS,
24 COUNTERCLAIMS, THIRD-PARTY
CLAIMS AND FOURTH-PARTY CLAIMS.

1 WHEREAS Plaintiff, City of Lodi (“Lodi”) served by mail its Fourth Amended
2 Complaint upon Defendant California Pallet Corporation, a dissolved California corporation, as
3 successor in interest to Tusco Casting, Inc. (“California Pallet Corporation”) through its counsel
4 of record, Mayall, Hurley, Knutsen, Smith & Green, on January 31, 2005.

5 WHEREAS, Lodi and California Pallet Corporation have previously entered into a
6 stipulation extending California Pallet Corporation’s time to respond to the Fourth Amended
7 Complaint to and including March 24, 2005.

8 WHEREAS, Lodi and California Pallet Corporation are currently engaged in settlement
9 negotiations.

10 WHEREAS, Lodi is performing an investigation concerning whether California Pallet
11 Corporation has liability for the matters alleged in the complaint and will complete that
12 investigation by June 6, 2005.

13 WHEREAS, Lodi and California Pallet Corporation have agreed to an additional thirty-
14 day extension of time for California Pallet Corporation to respond to the Fourth Amended
15 Complaint to and including April 25, 2005 in light of ongoing settlement talks.

16 WHEREAS, Lodi and California Pallet Corporation have again agreed to an additional
17 six-week extension of time for California Pallet Corporation to respond to the Fourth Amended
18 Complaint to and including June 6, 2005 in light of ongoing settlement talks.

19 **THEREFORE, IT IS HEREBY STIPULATED** by and between the parties, pursuant to
20 Rule 6-144(a) of the Civil Local Rules of this Court, that the time for California Pallet
21 Corporation to file and serve its response to the Fourth Amended Complaint is extended to and
22 including June 6, 2005.

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SO STIPULATED:

DATED: April 27, 2005

FOLGER LEVIN & KAHN LLP
Margaret R. Dollbaum
CITY OF LODI, CITY ATTORNEY

s/Stephen Schwabauer
D. Stephen Schwabauer
Attorneys for Plaintiff

DATED: April 27, 2005

**MAYALL, HURLEY, KNUTSEN, SMITH &
GREEN**

s/Joseph A. Salazar, Jr.
Joseph A. Salazar, Jr.
Attorneys for Defendant
California Pallet Corporation

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ORDER

Based on the foregoing Stipulation, and good cause existing therefore, California Pallet Corporation shall file its responsive pleading to the City of Lodi's Fourth Amended Complaint on or before June 6, 2005.

DATED: April 29, 2005

/s/ Frank C. Damrell Jr.

HON. FRANK C. DAMRELL, JR.
UNITED STATES DISTRICT JUDGE

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