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Attorneys for Defendants, HENRY W. WILLMS, et al.

IN THE UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

Terry D. Hamilton; Sharon M.) Case No. CV F 02 6583 AWI
Hamilton; Estates In Eagle) SMS
Ridge, LLLP, a Colorado)

Limited Liability Limited) **STIPULATION TO CONTINUE
MOTION TO SET ASIDE ORDER AT
DOC. 664, DISMISSING ENTITY
PLAINTIFFS; ORDER THEREON**

Partnership, James C. Bateman)
Petroleum Services, dba Semco,)
a California Corporation; and) Date: December 10, 2007
Enviro-Safe, Inc., a) Time: 1:30 p.m.
California Corporation,) Place: United States
District Court
Courtroom 2
2500 Tulare Street
Fresno, California

Plaintiffs,)
vs.)

Henry W. Willms, Individually;) The Honorable Anthony W. Ishii

Dolly G. Willms, Individually;)

Henry W. Willms and Dolly G.)

Willms as co-trustees of the)

Trust Agreement dated)

September 26, 1986, between)

Henry W. Willms and Dolly G.)

Willms, Trustors; Dolly)

Willms, Trustee of the Trust)

Agreement dated December 10,

1982, Dolly G. Willms, Trustors;)
 Victor R. McClune, an)
 individual; Lend-Teck)
 Financial, Inc., a California)
 Corporation; Catherine A.)
 Locke, an individual; Redwood)
 Trust Deed Services, Inc., a)
 California Corporation; and)
 Susan Willms Thurston,)
 Beneficiary of 1982 Willms)
 Trust along with Catherine A.)
 Locke; and THE WILLMS
 ENTERPRISE, an informal
 entity.

Defendants.

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Entity Plaintiffs Estates In Eagle Ridge, LLLP, a Colorado Limited Liability Limited Partnership, James C. Bateman Petroleum Services, dba Semco, a California Corporation; and Enviro-Safe, Inc., a California Corporation (“Entity Plaintiffs”), and Defendants Henry W. Willms, individually; Dolly G. Willms, individually; Henry W. Willms and Dolly G. Willms, as Co-Trustees of the Trust Agreement dated September 26, 1986, between Henry W. Willms and Dolly G. Willms, Trustors; Dolly G. Willms, as Trustee of the Trust Agreement dated December 10, 1982, between Henry W. Willms and Dolly G. Willms, Trustors; V. R. McClune, individually; and Lend-Teck Financial, Inc., a California corporation (hereinafter collectively “defendants”), and each of them, by and through their respective counsel, hereby stipulate and agree as follows:

1. On September 21, 2007, Entity Plaintiffs filed a Motion to Set Aside Order at Doc. 664, Dismissing Entity Plaintiffs. The hearing is set for October 29, 2007.
2. On October 5, 2007, the parties agreed to continue Entity Plaintiffs' Motion to Set Aside Order at Doc. 664 based on defendants' counsel's unavailability.
3. Based on the foregoing, the parties desire to continue the hearing on the Motion to Set Aside Order at Doc. 664; and therefore stipulate as follows:

II

STIPULATION

Based on the foregoing Recitals,

IT IS HEREBY STIPULATED, by and between the parties and their respective counsel, as follows:

1. The Motion to Set Aside Order at Doc. 664 hearing currently set for October 29, 2007, at 1:30 p.m. in Department 2 of the above-entitled court shall be continued to December 10, 2007, at 1:30 p.m. in Department 2 or as soon thereafter as the matter may be heard.
2. The deadline to file any Opposition to the Motion to Set Aside Order at Doc. 664 be extended up to and including November 21, 2007.
3. The deadline to file any Reply to Opposition to the Motion to Set Aside Order at Doc. 664 be extended up to an including December 3, 2007.
4. Nothing in this Stipulation shall be construed as a waiver of any claims and/or defenses relating to the foregoing Motion.

SO STIPULATED.

Dated: October __, 2007

THE LAW FIRM OF POWELL & POOL

DON J. POOL, Attorney for Defendants

Dated: October ____, 2007

DAVID F. BROWN

DAVID F. BROWN, Specially Appearing for Plaintiffs Estates in Eagle Ridge, LLLP, a Colorado Limited Liability, Limited Partnership; James C. Bateman Petroleum Services, Inc., dba Semco, a California corporation; and Enviro-Safe, Inc., a California corporation

ORDER

Based upon the Stipulation of the Parties and good cause appearing,

IT IS HEREBY ORDERED THAT the Motion to Set Aside Order at Doc. 664 is continued to December 10, 2007, at 1:30 p.m., in Department 2. Any Opposition to the Motion to Set Aside Order at Doc. 664 shall be filed on or before November 21, 2007. Any Reply to the Opposition to the Motion to Set Aside Order at Doc. 664 shall be filed on or before December 3, 2007.

IT IS SO ORDERED.

Dated: October 17, 2007

/s/ Anthony W. Ishii
UNITED STATES DISTRICT JUDGE