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8 *Attorneys for Plaintiff*
9 **Exxon Mobil Corporation**

10 UNITED STATES DISTRICT COURT
11 EASTERN DISTRICT OF CALIFORNIA

12 EXXON MOBIL CORPORATION,

13 Plaintiff,

14 vs.

15 NEW WEST PETROLEUM L.P., NEW
16 WEST PETROLEUM LLC, NEW WEST
17 PETROLEUM, INC., NEW WEST
18 STATIONS, INC. and NEW WEST LLC,

19 Defendants.

Case No. CIV-S-03-2222 WBS PAN

**JOINT STIPULATION AND
[PROPOSED] ORDER CONTINUING
FINAL PRETRIAL CONFERENCE
AND TRIAL DATE**

20 Plaintiff Exxon Mobil Corporation, the New West Petroleum Defendants, and Third Party
21 Defendant Sartaj Bains, constituting all the parties appearing in this action, through undersigned
22 counsel of record hereby stipulate to continue the **Final Pretrial Conference** from May 9, 2005
23 to **June 20, 2005** and further stipulate to continue **Trial** from June 28, 2005 to **July 26, 2005**.

24 Reasons For Continuance. Due to previous modifications of the Court's Status
25 (Scheduling and Pretrial) Order, the Final Pretrial Conference is currently set to take place three
26 weeks *before* dispositive motions are heard. In order to allow time for the Court to rule upon said
27 motions, and the parties to prepare accordingly for trial, the Final Pretrial Conference should be
28 continued to a date seasonably after dispositive motions are heard. The parties are informed that
the Court is currently available on the dates to which the Stipulate.

1 Now, therefore, **IT IS HEREBY STIPULATED** by and between all the parties to this
2 action as follows:

- 3 1. That the **Final Pretrial Conference**, currently set for May 9, 2005, be continued
4 to **June 20, 2005**; and
5 2. That **Trial** in this action, currently set for June 28, 200, be continued to **July 27,**
6 **2005.**

7 **SO STIPULATED:**

8
9 Dated: April. ____, 2005

MORGAN, LEWIS & BOCKIUS LLP

10

By: _____
11 Michael John Miguel
12 *Attorneys for Plaintiff*
13 **Exxon Mobil Corporation**

13

14 Dated: April. ____, 2005

SPENCER T. MALYSIAK LAW CORPORATION

14

15

By: _____
16 Spencer T. Malysiak
17 *Attorneys for Defendants*
18 **New West Petroleum, LP; New West Petroleum,
LLC; New West Petroleum and New West
Stations, Inc.**

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Dated: April. ____, 2005

THE KIRK LAW FIRM

20

21

By: _____
22 Dennis J. Priolo
23 *Attorneys for Cross-Defendant*
24 **Sartaj Singh Bains**

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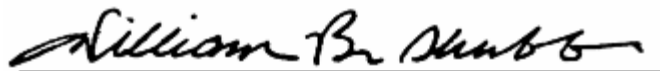
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ORDER

Based on the Joint Stipulation of the parties, and good cause appearing therefor, **IT IS ORDERED** that the Final Pretrial Conference currently set for May 9, 2005 be and hereby is continued to June 20, 2005, at 10:00 a.m. **IT IS FURTHER ORDERED** that trial in this action, currently set for June 28, 2005 be and hereby is continued to July 27, 2005.

IT IS SO ORDERED.

DATED: April 25, 2005



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE

PROOF OF SERVICE

I am a resident of the State of California and over the age of eighteen years, and not a party to the within action; my business address is 300 South Grand Avenue, Twenty-Second Floor, Los Angeles, CA 90071-3132. On April 25, 2005, I served the within document(s):

JOINT STIPULATION AND [PROPOSED] ORDER CONTINUING FINAL PRETRIAL CONFERENCE AND TRIAL DATE

- by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.
- by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Los Angeles, California addressed as set forth below.
- by placing the document(s) listed above in a sealed Federal Express envelope and affixing a pre-paid air bill, and causing the envelope to be delivered to a Federal Express agent for delivery.
- by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.

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I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

Executed on April 25, 2005, at Los Angeles, California.

I declare under penalty of perjury, under the laws of the State of California and the United States of America, that the foregoing is true and correct.

Vivian F. Dohi