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UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re

RED ROSE, INC.,

- ☐ Affects Beachhead Roofing and Supply, Inc.
- ☐ Affects California Equipment Leasing Association, Inc.
- ☐ Affects Fences 4 America, Inc.
- ☐ Affects James Petersen Industries, Inc.
- ☐ Affects PD Solar, Inc.
- ☐ Affects Petersen Roofing and Solar LLC
- ☒ Affects Petersen-Dean, Inc.
- ☐ Affects PetersenDean Hawaii LLC
- ☐ Affects PetersenDean Roofing and Solar Systems, Inc.
- ☐ Affects PetersenDean Texas, Inc.
- ☐ Affects Red Rose, Inc.
- ☐ Affects Roofs 4 America, Inc.
- ☐ Affects Solar 4 America, Inc.
- ☐ Affects Sonoma Roofing Services, Inc.
- ☐ Affects TD Venture Fund, LLC
- ☐ Affects Tri-Valley Supply, Inc.
- ☐ Affects All Debtors.

Case No. BK-S-20-12814-mkn

Jointly Administered with
Case No. BK-S-20-12815-mkn
Case No. BK-S-20-12816-mkn
Case No. BK-S-20-12818-mkn
Case No. BK-S-20-12819-mkn
Case No. BK-S-20-12820-mkn
Case No. BK-S-20-12821-mkn
Case No. BK-S-20-12822-mkn
Case No. BK-S-20-12823-mkn
Case No. BK-S-20-12824-mkn
Case No. BK-S-20-12825-mkn
Case No. BK-S-20-12826-mkn
Case No. BK-S-20-12827-mkn
Case No. BK-S-20-12829-mkn
Case No. BK-S-20-12831-mkn
Case No. BK-S-20-12833-mkn

Chapter 11

STIPULATION BETWEEN
PETERSEN-DEAN, INC. AND JOHN
MOURIER CONSTRUCTION, INC.
FOR LIMITED RELIEF FROM THE
AUTOMATIC STAY

PETERSEN-DEAN, INC., a California Corporation, the debtor ("Debtor") in the above-captioned chapter 11 case (the "Chapter 11 Case"), and John Mourier Construction, Inc., a California

corporation (“Developer Defendant”), by and through their undersigned respective counsel of record, stipulate and agree as follows (the “Stipulation”):

I.

BACKGROUND

1. On April 16, 2015, the Plaintiffs listed below (the “Plaintiffs”) filed suit against Developer Defendant who built Plaintiffs' homes listed in the below table, in the matter of Michelle Stout, *et al. v John Mourier Construction, Inc., et al.*, Superior Court of California, County of Placer, Case No. S-CV-0035975 (the “Stout Action”).

Named Plaintiffs and Home Addresses in the Stout Action		
1	Norma Richards	1792 San Esteban Circle, Roseville, CA 95747
2	Chris & Jennifer Rice	1651 Palomares Way, Roseville, CA 95747
3	Bryan H. & Cynthia Diane Petty	1672 San Esteban Circle, Roseville, CA 95747
4	Harry & Wendy Cunningham	1432 Black Bear Street, Roseville, CA 95747
5	Linda S. Roemmelt	1523 Loon Lake Street, Roseville, CA 95747
6	Ruby Almoradie	1458 Loon Lake Street, Roseville, CA 95747
7	Jason and Kathleen Prah	1385 Black Bear Street, Roseville, CA 95747
8	Kevin B. Wong	1466 Grey Bunny Drive, Roseville, CA 95747
9	Stephen Rutkowski	1656 Cantamar Way, Roseville, CA 95747
10	Piero P. & Charlotte U. Ruggeri	1625 Blue Squirrel Street, Roseville, CA 95747
11	Rebecca L. Gee	1516 Blue Raven Street, Roseville, CA 95747
12	Thanh & Nga Le	1636 Blue Beaver Way, Roseville, CA 95747
13	Deborah E. Parker	1782 Pico Rivera Drive, Roseville, CA 95747
14	Mary A. Cox	1701 Blue Beaver Way, Roseville, CA 95747
15	Gary & Leslie Baumeister	1530 Grey Bunny Drive, Roseville, CA 95747
16	Richard & Noreen Turk	1969 Sevilla Drive, Roseville, CA 95747
17	Ryan J. & Kristen M. Laurance	533 Patina Court, Roseville, CA 95747

18	Roger Hernandez	1525 Blue Raven Street, Roseville, CA 95747
19	Diane E. Stead	1576 Black Bear Street, Roseville, CA 95747
20	Shawna M. & Alfonso E. Garcia	1714 Grey Bunny Drive, Roseville, CA 95747
21	Donald R. & Melissa V. Broussard	200 Loon Lake Court, Roseville, CA 95747
22	John Urrutia	1509 Water Side Street, Roseville, CA 95747
23	Jim C. & Elesia Joyner	208 White Rabbit Court, Roseville, CA 95747
24	Henri J. Hong	1730 Grey Bunny Drive, Roseville, CA 95747
25	Krista S. Zorichak	116 Adrienne Court, Roseville, CA 95747
26	Frank Woo	1740 Adrienne Drive, Roseville, CA 95747
27	Michael & Kristel R. Kramer	1741 Courante Way, Roseville, CA 95747
28	Eva McLane	1782 Ravenna Way, Roseville, CA 95747
29	Moore K W & I V Living Trust	1733 Adrienne Drive, Roseville, CA 95747
30	Bruce C. & Jeannie M. McLaughlin	324 Alsace Court, Roseville, CA 95747
31	Patrice C. Gillette	2052 Vignolia Loop, Roseville, CA 95747
32	Diana H. Laird Trust	100 Vignolia Court, Roseville, CA 95747
33	Raul S. & Antonette Sequeira	1608 Sevilla Drive, Roseville, CA 95747
34	Ryan W. Sutter	1889 Della Verona Drive, Roseville, CA 95747
35	Oleg Klimkiv	1853 Vignolia Loop, Roseville, CA 95747

2. The Plaintiffs in the complaint Stout Action alleged issues with the construction of their homes, implicating various subcontractors' work. Debtor was one of the subcontractors implicated in the Stout Action.

3. On May 12, 2017, Developer Defendant filed a cross-complaint (the "Cross-Complaint") in the Stout Action against subcontractors, including Debtor, alleging the following causes of action: (1) Implied Contractual Indemnity; (2) Total Indemnity; (3) Equitable Indemnity; (4) Express Indemnity; (5) Breach of Express and Implied Warranties, (6) Breach of Written Contract; (7) Contribution; (8) Declaratory Relief re: Duty to Defend; and (9) Declaratory Relief re:

Duty to Indemnify.

4. On June 26, 2017, Debtor filed its answer to the Cross-Complaint.

5. On June 11, 2020, Debtor filed a voluntary petition for relief under Chapter 11 of the United States Code in the United States Bankruptcy Court for the District of Nevada, invoking the automatic stay under Section 362(a) of the Bankruptcy Code, and staying the Stout Action.

6. The Debtor is currently operating as a debtor-in-possession in the Chapter 11 Case.

II.

STIPULATION

1. The automatic stay imposed by 11 U.S.C § 362(a) in the Chapter 11 Case shall be lifted solely to allow the Developer Defendant to dismiss the Debtor from the Stout Action, with prejudice, in exchange for the Developer Defendant to waive any and all past and potential future claims against Debtor or Debtor's estate related to the Stout Action.

2. Except as expressly set forth within this Stipulation, nothing in this Stipulation shall affect or prejudice any rights, claims, or defenses of either the Developer Defendant or the Debtor of any kind or nature.

3. The Court shall retain jurisdiction over this Stipulation and the order approving this Stipulation in order to resolve any dispute, or take such other further action, in connection with the terms of this Stipulation.

DATED this 24th day of July 2020.

APPROVED:
FOX ROTHSCHILD LLP

/s/Brett A. Axelrod

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