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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

MIRO ADVISORY SERVICES, LTD, a
corporation incorporated under the laws of the
British Virgin Islands,

Plaintiff,

vs.

D.A. DAVIDSON & CO., an ENTITY OF
UNKNOWN FORM, RICHARD L. WENDT
TRUST, JWTR-OREGON, LLC and JWTR,
LLC,

Defendants.

Case No. 3:14-cv-01618-NC

**JOINT STIPULATION TO STAY
PROCEEDINGS FOR NINETY (90)
DAYS AND CONTINUE ALL
PRESENTLY SCHEDULED HEARINGS,
BRIEFINGS, APPEARANCES AND
OTHER DEADLINES; ~~PROPOSED~~
ORDER**

Magistrate Judge: Nathanael M. Cousins

Trial Date: None Set

Action Filed: April 8, 2014

Plaintiff MIRO ADVISORY SERVICES, LTD, a corporation incorporated under the laws of the British Virgin Islands, Defendant D.A. DAVIDSON & CO. and Defendants JWTR OREGON, LLC, an Oregon Limited Liability Company (erroneously sued herein as “JWTR-OREGON, LLC”), JWTR, LLC, an Oregon Limited Liability Company and RICHARD L. WENDT TRUST, an Oregon Revocable Living Trust, by and through their respective counsel, hereby STIPULATE and AGREE as follows:

WHEREAS, this case arises from a dispute over whether Plaintiff MIRO ADVISORY SERVICES, LTD is entitled to a “finder’s fee” for performing real estate related services by purportedly procuring a potential buyer for approximately 606,000 acres of timberlands (“Timberlands”).

1 WHEREAS, on April 8, 2014, Plaintiff filed a Complaint for Declaratory Relief and
2 Negligent Misrepresentation (D.E. 1).

3 WHEREAS, on May 8, 2014, Defendants JWTR OREGON, LLC and JWTR, LLC filed a
4 Motion to Dismiss for Failure to State a Claim Upon Which Relief Can Be Granted Pursuant to
5 FRCP 12(b)(6) (D.E. 8).

6 WHEREAS, on June 16, 2014, Defendant D.A. DAVIDSON & CO. filed a Motion to
7 Dismiss Plaintiff's Complaint (D.E. 27).

8 WHEREAS, on June 30, 2014, Defendant RICHARD L. WENDT TRUST filed a Motion
9 to Dismiss for Lack of Subject Matter Jurisdiction and Failure to State a Claim Upon Which
10 Relief Can Be Granted Pursuant to FRCP 12(b)(1) and FRCP 12(b)(6) (D.E. 38).

11 WHEREAS, the hearing on all three pending Motions to Dismiss is set for August 27,
12 2014.

13 WHEREAS, the Initial Case Management Conference is presently scheduled for September
14 3, 2014.

15 WHEREAS, a sale of the Timberlands to an unrelated third party is presently pending and
16 is scheduled to close escrow within sixty (60) to seventy-five (75) days.

17 WHEREAS, the sale of the Timberlands to an unrelated third party is not covered by the
18 agreement which forms the basis for this litigation.

19 WHEREAS, the parties wish to stay all proceedings in this matter for a period of ninety
20 (90) days and continue all presently scheduled hearings, briefings, appearances and any other
21 deadlines imposed by law or the Court, to allow escrow to close on the sale of the Timberlands.

22 WHEREAS, upon completion of the sale of the Timberlands to a party unrelated to this
23 instant action, the claims set forth by Plaintiff's Complaint will be moot.

24 WHEREAS, the parties further stipulate and agree that the stay requested herein is not
25 requested for the purposes of delay and will not result in any prejudice to the parties or to the
26 Court.

27 ///

1 **IT IS THEREFORE STIPULATED AND AGREED** by Plaintiff and Defendants, by
2 and through their respective counsel of record, pursuant to Rule 7-12 of the Civil Local Rules of
3 the Northern District of California, and the Court is respectfully requested to order that:

- 4 1. This action is hereby stayed until **November 12, 2014**;
- 5 2. The hearing on Defendants' Motions to Dismiss (D.E. 8, 27 and 38) is continued to
6 **December 3, 2014**;
- 7 3. The Initial Case Management Conference and Rule 26 deadlines are continued as
8 follows:
- 9 a. **November 26, 2014** - Last day to:
- 10 ○ Meet and confer re: initial disclosures, early settlement, ADR process selection,
11 and discovery plan
- 12 ○ File ADR Certificate signed by Parties and Counsel
- 13 ○ File either Stipulation to ADR Process or Notice of Need for ADR Phone
14 Conference
- 15 b. **December 3, 2014** - Last day to file Rule 26(f) Report, complete initial disclosures
16 or state objection in Rule 26(f) Report and file Case Management Statement per
17 Standing Order re Contents of Joint Case Management Statement
- 18 c. **December 10, 2014** - INITIAL CASE MANAGEMENT CONFERENCE (CMC)
19 in Courtroom A, 15th Floor at 10:00 A.M.

20 **IT IS SO STIPULATED.**

21 DATED: August 13, 2014

22 LAW OFFICES OF WILLIAM D.
23 WHITEMAN

24 By: s/ William D. Whiteman
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 Attorneys for Plaintiff MIRO ADVISORY
 SERVICES, LTD, a corporation incorporated
 under the laws of the British Virgin Islands

1 DATED: August 13, 2014

DORSEY & WHITNEY LLP

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Attorneys for Defendant D.A. DAVIDSON & CO.

DATED: August 13, 2014

THE SIEVING LAW FIRM, A.P.C.

By: s/ Richard N. Sieving
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Attorney for Defendants JWTR OREGON, LLC, an Oregon Limited Liability Company (erroneously sued herein as “JWTR-OREGON, LLC”); JWTR, LLC, an Oregon Limited Liability Company; and RICHARD L. WENDT TRUST, an Oregon Revocable Living Trust

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ATTESTATION PURSUANT TO LOCAL RULE 5-1(i)(3)

Pursuant to Civil Local Rule 5-1(i)(3), I hereby attest that on August 12 and 13, 2014, I obtained concurrence of all counsel to file the Joint Stipulation to Stay Proceedings for Ninety (90) Days and Continue All Presently Scheduling Hearings, Briefings, Appearances and Other Deadlines.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 13th day of August 2014 at Portland, Oregon.

s/ Richard N. Sieving
RICHARD N. SIEVING

~~PROPOSED~~ ORDER

The Court, having reviewed the parties' Stipulation, hereby orders as follows:

1. This action is hereby stayed until **November 12, 2014** [~~or~~ _____, ~~2014~~];
2. The hearing on Defendants' Motions to Dismiss (D.E. 8, 27 and 38) is continued to **December 3, 2014** [~~or~~ _____, ~~2014~~] at **1:00 p.m.** in Courtroom A, 15th Floor.
3. The Initial Case Management Conference and Rule 26 deadlines are continued as follows:
 - a. **November 26, 2014** [~~or~~ _____, ~~2014~~]; - Last day to:
 - o Meet and confer re: initial disclosures, early settlement, ADR process selection, and discovery plan
 - o File ADR Certificate signed by Parties and Counsel
 - o File either Stipulation to ADR Process or Notice of Need for ADR Phone Conference
 - b. **December 3, 2014** [~~or~~ _____, ~~2014~~] - Last day to file Rule 26(f) Report, complete initial disclosures or state objection in Rule 26(f) Report and file Case Management Statement per Standing Order re Contents of Joint Case Management Statement

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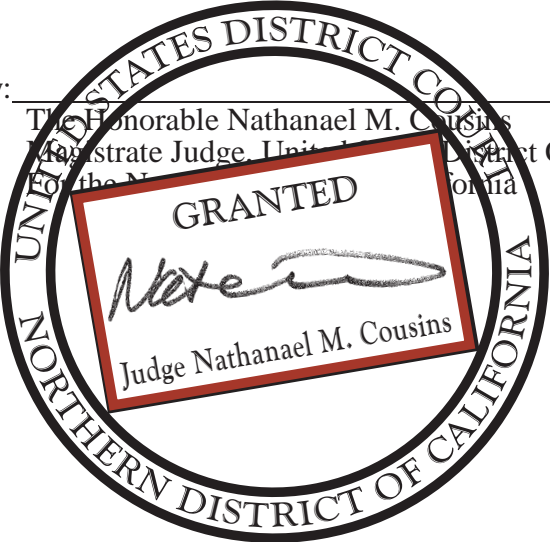
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c. **December 10, 2014** [~~or~~ _____, ~~2014~~] - INITIAL CASE
MANAGEMENT CONFERENCE (CMC) in Courtroom A, 15th Floor at 10:00
A.M.

IT IS SO ORDERED.

DATED: August 15, 2014

By: _____



The Honorable Nathanael M. Cousins
Magistrate Judge, United States District Court
for the Northern District of California