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16 Attorneys for Plaintiffs,

17 DR. HERMAN TULL, PH.D. and

18 DR. LEKHA TULL, DDS.

19 UNITED STATES DISTRICT COURT

20 NORTHERN DISTRICT OF CALIFORNIA

21 OAKLAND DIVISION

22 DR. HERMAN TULL, PH.D., an  
 23 individual, and DR. LEKHA TULL, DDS.,  
 24 an individual,

25 Plaintiffs,

26 vs.

27 MICHAELA HIGGINS, an individual,  
 28 a/k/a CAELI LA; and DOES 1 through 10  
 inclusive,

Defendants.

CASE NO.: 4:21-cv-01574-DMR

ASSIGNED TO: Magistrate Judge Donna M. Ryu

**STIPULATION AND ORDER FURTHER  
 EXTENDING DEADLINE  
 TO FILE FIRST AMENDED COMPLAINT**

FILE DATE: March 5, 2021

TRIAL DATE SET: No Date Set

**STIPULATION**

WHEREAS, on March 5, 2021, Plaintiffs Dr. Herman Tull and Dr. Lehka Tull, DDS  
 (“Plaintiffs”) filed their complaint in this action (Dkt. 1);

WHEREAS, on April 28, 2021, Defendant Michaela Higgins filed a motion to dismiss  
 and motion to strike the complaint (“Motions”) (Dkt.24 and 25);

1           WHEREAS, on December 27, 2021, the Court issued an Order on Motions to Dismiss and  
2 Motions to Strike (“Order”) which granted in part and denied in part the Motions with leave to  
3 amend and further ordered that Plaintiffs shall file an amended complaint within 14 days of the  
4 Court’s Order (Dkt. 40);

5           WHEREAS, on January 7, 2022, this Court approved the parties’ joint request for an  
6 extension to file a first amended complaint and issued an Order extending the deadline for  
7 Plaintiffs to file an amended complaint until January 24, 2022 (Dkt. 44);

8           WHEREAS, on January 6, 2022, Plaintiffs’ counsel filed their Notice of Withdrawal and  
9 Substitution of Counsel (Dkt. 42) and on January 20, 2022, the Court issued an order granting *pro*  
10 *hac vice* admission to Plaintiffs’ counsel Jacqueline Veit (Dkt. 47);

11           WHEREAS, on January 21, 2022, the Parties submitted a Stipulation and Order Extending  
12 Deadline to File First Amended Complaint (Dkt. 48) requesting a further extension of 30 days to  
13 file an amended complaint, which was approved by the Court, thereby extending the deadline for  
14 Plaintiffs to file an amended complaint until February 23, 2022 (Dkt. 49);

15           WHEREAS, on February 18, 2022, the Parties submitted a Stipulation and Order  
16 Extending Deadline to File First Amended Complaint (Dkt. 50), advising the Court that the  
17 Parties are actively engaged in settlement discussions and progress has been made but certain  
18 complicated issues exist that remain to be addressed, which was approved by the Court, thereby  
19 extending the deadline for Plaintiffs to file an amended complaint until March 18, 2022 (Dkt. 51);

20           WHEREAS, on March 18, 2022, the Parties submitted a Stipulation and Order Extending  
21 Deadline to File First Amended Complaint (Dkt. 52), advising the Court that the Parties have  
22 continued settlement efforts and are close to settlement and have exchanged initial settlement  
23 documents, which was approved by the Court, thereby extending the deadline for Plaintiffs to file  
24 an amended complaint until March 30, 2022 (Dkt. 53);

25           WHEREAS, the Parties have not yet finalized settlement documents but continue to work  
26 toward that goal;

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WHEREAS, given the sensitive nature of the matters alleged in this action, counsel for all Parties believe that filing of a first amended complaint on March 30, 2022 will impede and possibly derail current settlement discussions; and

WHEREAS, the Parties respectfully request that the Court grant additional time for plaintiffs to file a first amended complaint to allow the Parties to further advance their settlement discussions.

NOW THEREFORE, the parties, by and through their undersigned attorneys, hereby stipulate and agree that Plaintiffs shall have an additional one week, through and including April 6, 2022, to file a first amended complaint.

Dated: March 30, 2022

GOLENBOCK EISEMAN ASSOR BELL &  
PESKOE LLP

By:     /s/ Jacqueline G. Veit      
Jacqueline G. Veit\*  
\*Appearing *Pro Hac Vice*  
Attorneys for Plaintiffs,  
DR. HERMAN TULL, PH.D. and  
DR. LEKHA TULL, DDS.

Dated: March 30, 2022

NEWMAYER & DILLION LLP

By:     /s/ C. Kendie Schlecht      
Michael B. McClellan  
C. Kendie Schlecht  
Co-Counsel for Plaintiffs,  
DR. HERMAN TULL, PH.D. and  
DR. LEKHA TULL, DDS.

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Dated: March 30, 2022  
  
  
  
  
Dated: March 30, 2022

GREENBERG GROSS LLP  
  
By: /s/ Deborah Susan Mallgrave  
Deborah Susan Mallgrave  
Attorney for Defendant MICHAELA  
HIGGINS

GIBBS LAW GROUP LLP  
  
By: /s/ Karen Barth Menzies  
Karen Barth Menzies  
Co-counsel for Defendant MICHAELA  
HIGGINS

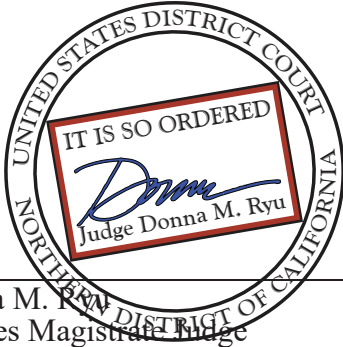


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**ORDER**

Pursuant to Stipulation, it is SO ORDERED.

DATED: 4/1/2022



Hon. Donna M. Ryu  
United States Magistrate Judge



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**FILER ATTESTATION**

In accordance of Civil L.R. 5-1(h)(3), I hereby attest that each of the other Signatories have concurred in the filing of this document, which shall serve in lieu of their signatures on the document. I declare under penalty of perjury under the laws of the United States of America and the State of California that the foregoing is true and correct. Executed on this 30th day of March, 2022 at Irvine, California.

/s/ C. Kendie Schlecht  
C. Kendie Schlecht