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7 Attorneys for Benart Main Street Properties

8 **UNITED STATES DISTRICT COURT**

9 **EASTERN DISTRICT OF CALIFORNIA - FRESNO DIVISION**

10 VIOLA COPPOLA, GARY COPPOLA) Case No. 1:11-CV-01257-AWI-BAM
 and THE TRUST OF ANTHONY M.)
 11 COPPOLA,)

12 Plaintiffs,

13 v.

14 GREGORY SMITH, an individual,)
 RICHARD LASTER, an)
 15 individual; and THE JANE)
 HIGGINS NASH TRUST; JANE NASH)
 16 AS EXECUTOR OF THE ESTATE OF)
 DECATUR HIGGINS AKA THE)
 17 ESTATE OF MABEL ELAINE)
 HIGGINS, HARLEY MILLER, an)
 18 individual, CHERYL MILLER, an)
 individual, MARTIN AND MARTIN)
 19 PROPERTIES, BENART MAIN)
 STREET PROPERTIES, CAL WATER)
 20 SERVICE COMPANY, the CITY OF)
 VISALIA and DOES 1-20,)
 21 inclusive;)

22 Defendants.)

23 _____)
)
 24 AND RELATED COUNTER AND CROSS)
 CLAIMS.)
 25 _____)
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**STIPULATION AND ORDER
 EXTENDING TIME FOR DEFENDANT
 BENART MAIN STREET PROPERTIES
 TO RESPOND TO PLAINTIFFS'
 THIRD AMENDED COMPLAINT**

1 TO THE COURT, ALL PARTIES AND THEIR ATTORNEYS OF RECORD HEREIN:

2 WHEREAS, defendant Benart Main Street Properties' ("Benart")
3 - Benart's counsel is informed and believes that the proper
4 entity/party-defendant is/was actually named "Benart - Main
5 Street Investors, a California corporation" - deadline to file
6 and serve a pleading responsive to plaintiffs Viola Coppola's,
7 Gary Coppola's and The Trust of Anthony M. Coppola's
8 ("plaintiffs") third amended complaint is currently September 26,
9 2012.

10 WHEREAS, plaintiffs have agreed that Benart shall have an
11 additional thirty (30) days to respond to plaintiffs' third
12 amended complaint.

13 WHEREAS, Local Rule 144(a) allows for a stipulation between
14 the parties allowing for additional time to respond to a
15 complaint, such as the instant one.

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THE PARTIES HERETO, BY AND THROUGH THEIR RESPECTIVE COUNSEL,
DO HEREBY AGREE AND STIPULATE AS FOLLOWS:

That Benart shall have until October 26, 2012, to file and
serve its pleading responsive to plaintiffs' third amended
complaint.

Dated: September 24, 2012

CHIELPEGIAN LAW OFFICES
A Professional Corporation

By: /s/ Lee S.W. Cobb
MARK E. CHIELPEGIAN
LEE S.W. COBB
Attorneys for BENART MAIN STREET
PROPERTIES

Dated: September 24, 2012

GREBEN & ASSOCIATES

By: /s/ Jan A. Greben
JAN A. GREBEN
JEFF COYNER
DANIELLE DE SMETH
Attorneys for PLAINTIFFS

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ORDER

Based on the foregoing stipulation, and good cause shown, the Court orders that Defendant Benart Main Street Properties be allowed to file his response to plaintiffs' Third Amended Complaint on or before October 26, 2012.

IT IS SO ORDERED.

Dated: September 26, 2012

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE