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14 UNITED STATES DISTRICT COURT  
15 EASTERN DISTRICT OF CALIFORNIA  
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18 GBTKAT GOLD, LLC, a California limited  
liability and FAR AWAY, LLC, a California  
19 limited liability company,

20 Plaintiffs,

21 vs.

22 GOLDEN QUEEN, LLC, a California limited  
liability company; GOLDEN QUEEN  
23 MINING COMPANY, LTD, a publicly traded  
British Columbia corporation

24 Defendants.  
25

Case No. 1-19-cv-01114-DAD-JLT

**STIPULATION TO EXTEND PLEADING  
AMENDMENT DEADLINE AND MODIFY  
SCHEDULING ORDER AND ~~PROPOSED~~  
ORDER GRANTING IN PART**

(Doc. 30)

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1 Amended Scheduling Order (Doc. No. 28). A true and correct copy of the First Amended  
2 Scheduling Order is attached hereto as **Exhibit “B”** and is incorporated herein by this reference.

3 WHEREAS, Plaintiffs now request an extension of the pleading amendment  
4 deadline and to modify the Scheduling Order and the First Amended Scheduling Order in order to  
5 file a first amended complaint as described further herein below, to which Defendant has already  
6 consented and will also stipulate for Plaintiffs’ leave to file. Pursuant to Federal Rule of Civil  
7 Procedure 15(a)(2), leave to amend should be freely given when justice so requires, unless the  
8 opposing party makes a showing of undue prejudice, or bad faith or dilatory motive on the part of  
9 the moving party. USCS Fed Rules Civ Proc R 15(a)(2); Sonoma Cty. Ass'n of Retired Empl'es. v.  
10 Sonoma Cty., 708 F.3d 1109, 1117 (9th Cir. 2013).

11 WHEREAS, pursuant to Federal Rule of Civil Procedure 16(b)(4), modification of  
12 a scheduling order is proper upon a showing of good cause, unless the court finds that the request  
13 has been unreasonably delayed and will prejudice the non-moving party, that the moving party has  
14 acted in bad faith, or that the amendment would be futile. USCS Fed Rules Civ Proc R 16(b)(4);  
15 AmerisourceBergen Corp. v. Dialysist W., Inc., 465 F.3d 946, 952-953 (9th Cir. 2006).

16 WHEREAS, given recent discovery exchanged between the Parties, good cause  
17 exists to allow Plaintiffs to amend the pleading deadline in the above-captioned action in order to  
18 amend their Complaint for the following reasons: (i) to correct two scrivener’s errors regarding  
19 Defendant’s and co-defendant GOLDEN QUEEN MINING COMPANY, LTD’s, a publicly  
20 traded British Columbia corporation, respective entity names; (ii) to correct the date of the alleged  
21 commencement of the co-tenancy between the Parties from January 1, 2001 to January 11, 2011;  
22 and (iii) to include an additional declaratory relief cause of action to determine the relationship of  
23 the Parties (a) during the lease period of January 15, 1988 through January 10, 2011, and (b) after  
24 the expiration of the lease period from January 11, 2011 to present, both of which are in dispute.  
25 Amendment to the pleading deadline is important to the Parties’ comprehensive litigation of this  
26 matter to resolve all known disputes. Defendant will not be prejudiced in its defense of this action  
27 if this request is granted. Further, only through recent discovery have Plaintiffs discovered the  
28 aforementioned proposed amendments. As such, there has been no delay in bringing the instant

1 request, and this Stipulation constitutes the Parties' first request to amend the pleading deadline.

2 WHEREAS, for the foregoing reasons and for good cause shown, the Parties  
3 request that this Court extend the pleading amendment deadline and modify the Scheduling Order  
4 (Doc. 18) and the First Amended Scheduling Order (Doc. No. 28).

5 **II.**

6 **STIPULATION**

7 THEREFORE, Plaintiffs and Defendant, by and through their respective counsel of  
8 record, hereby stipulate and agree and request that the Court order that:

9 1. The current pleading amendment deadline of March 30, 2020 pertaining to  
10 the above-captioned action, as set forth in the Scheduling Order (Doc. 18), be vacated; and

11 2. The pleading amendment deadline pertaining to the above-captioned action  
12 be revised and extended to March 12, 2021 as a modification of the Scheduling Order (Doc. 18)  
13 and the First Amended Scheduling Order (Doc. No. 28), or in the alternative, pursuant to a different  
14 date ordered at the Court's discretion.

15 **IT IS SO STIPULATED.**

16 Dated: January 7, 2021

FENNEMORE DOWLING AARON

17  
18 By: /s/ Steven D. McGee

19 Steven D. McGee  
20 Jared C. Marshall  
21 Caroline M. Lutz  
22 Attorneys for Plaintiffs,  
23 GBTKAT GOLD, LLC and FAR AWAY, LLC

24 Dated: January 7, 2021

HARRISON TEMBLADOR HUNGERFORD &  
JOHNSON LLP

25 By: /s/ Bradley B. Johnson

26 Bradley B. Johnson  
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28 Russell A. Frink  
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GOLDEN QUEEN MINING COMPANY,  
LLC

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**III.**

**[PROPOSED] ORDER**

Though counsel explain why an amended complaint should be filed, the extent of the changes to the amended complaint, and why the deadline for doing so should be amended, they do not explain why the plaintiff needs until March 12, 2021 to file the amended complaint. Thus, the Court **ORDERS:**

1. The stipulation to allow the plaintiff to file an amended complaint is GRANTED. The amended complaint SHALL be filed, if at all, no later than January 29, 2021.

IT IS SO ORDERED.

Dated: January 8, 2021

/s/ Jennifer L. Thurston  
UNITED STATES MAGISTRATE JUDGE

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