

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
5:11-CV-00214-BO**

CAPITOL COMMISSION, INC.,

Plaintiff,

v.

CAPITOL MINISTRIES,

Defendant.

CAPITOL MINISTRIES,

Third-Party Plaintiff,

v.

JOHN E. ANDERSON, JR., GEORGE H.  
JACKSON, JAMES E. YOUNG, and  
DANIEL FILE,

Third-Party Defendants.

**CASE NO. 2:12-MC-00093-GEB-CKD**

**STIPULATION AND ORDER TO RESET  
HEARING DATE**

Plaintiff Capitol Commission, Inc., Defendant Capitol Ministries, and Third-Party Witness David Duran jointly submit the following points:

1. The parties jointly stipulate that the date of the hearing regarding Capitol Ministries' Motion to Compel Documents against David Duran, be reset from December 12, 2012,

to January 9, 2013 at 10:00 a.m., at the Robert T. Matsui U.S. Courthouse, 501 I Street, Courtroom 26 – 8th Floor, Sacramento, California before the Honorable Carolyn K. Delaney. This rescheduling of the hearing is necessary because the parties are actively involved in discovery in the related case, Case No. 5:11-CV-00214-BO, in the Eastern District of North Carolina, and will be conducting depositions in that matter on December 12, 2012. Depositions for the related case are also scheduled throughout much of the end of December. The parties therefore jointly agree to this extension, which request is not made for the purpose of causing undue delay.

2. The parties jointly and respectfully request that the Court allow counsel in North Carolina (who represents Capitol Ministries, Inc. and Capitol Commission, Inc.) to participate in the hearing telephonically. This request is made in light of the fact that this motion arises out of discovery conducted as part of that litigation and in the interest of cost-effectiveness and efficiency.

3. The parties to this motion (Capitol Ministries, Inc. and non-party David Duran), agree to meet and confer and file a Joint Statement pursuant to Local Rule 251 no later than January 2, 2013.

Respectfully submitted, this 5th day of December, 2012.

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*/s/ Stephen J. Greene, Jr.*

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*/s/ Anthony J. Biller*

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IT IS SO ORDERED.

Dated: December 6, 2012



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CAROLYN K. DELANEY  
UNITED STATES MAGISTRATE JUDGE