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Attorneys for Defendant Vivian Lily

UNITED STATES DISTRICT COURT, EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

In re)	NO. 2:15-cv-00410-WBS-DAD
)	
VIVIAN LILY,)	Bankruptcy Court Nos.
)	Chapter 7 No. 12-36999-B-7
Debtor.)	
_____)	Adversary Proceeding
)	No. 12-02717-B
DAVID R. OLICK,)	
)	JOINT APPLICATION TO CONTINUE
Plaintiff,)	TRIAL BASED ON STIPULATION OF
)	THE PARTIES; STIPULATION AND
v.)	PROPOSED ORDER
)	
VIVIAN LILY,)	Date: Trial Date November 3, 2015
)	Time: 9:30 a.m., Courtroom 5
Defendant.)	
_____)	

The Honorable William B. Shubb

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The parties, Plaintiff David Olick (hereinafter, "Olick") and Defendant Vivian Lily (hereinafter, "Lily") by and through their respective counsel, jointly apply for a continuance of the trial of this matter, currently set for November 3, 2015 and respectfully request that the trial date be vacated, and the Court set the matter on calendar for trial setting in January, 2016 or alternatively set a new trial date in June, 2016.

The continuance is being sought to enable the parties to have adequate opportunity to further pursue active settlement discussions. This case is one of two involving Olick and Lily, the second being their dissolution action, pending in Solano County, Case No. FFL 114985 (hereinafter, the "Dissolution Case.") No trial date has been set in that action. There are overlapping issues in these cases and Olick and Lily are interested in reaching a global settlement of both this case and the Dissolution Case.

Recently the parties have been engaged in serious negotiations. While it appears that progress is being made, there is not adequate time to conclude these negotiations and, it is hoped reach a global settlement, given the current trial date and the pretrial preparation required. The parties wish to place litigation activity in both cases on hold while negotiations are pursued in the hope that they will be able to reach a mutually agreeable resolution.

The ability to conclude these negotiations before having to switch focus to trial preparation based on the current trial date is complicated by health problems of both Lily and Olick. As set forth in the Declaration of Robert P. Rich, filed herewith, Lily has recently had major surgery and is currently hospitalized with pneumonia. While it is not currently anticipated that she will be unable to appear for trial due to medical problems, this is an uncertainty. She also faces possible additional surgery. Lily's ability to participate directly in settlement discussions over the next weeks is hampered by her surgery and subsequent hospitalization with pneumonia. As set forth in the Declaration of Olick, who is both a party and co-counsel in this case, he has cardiac health concerns.

1 It is hoped that with additional time the parties can reach an overall settlement of the
2 litigation between them, thereby avoiding the expenditure of judicial resources and the costs
3 associated with trials in two forums. If the parties are unable to reach a negotiated settlement on
4 their own, they anticipated asking the Court to refer this matter to a Magistrate Judge for a settlement
5 conference.

6 The parties respectfully ask that the trial date be vacated, and that a setting conference be
7 set for January 11, 2016, or thereafter, at which time, if the case has not been settled a new trial date
8 would be selected. Alternatively, it is respectfully requested that the case be set for trial in June,
9 2016, with all dates set in the Final Pretrial Order adjusted to the new trial date.

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STIPULATION

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Lily and Olick stipulate as follows:

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1. In Order that settlement discussions may be pursued effectively, that the trial date of
14 this matter currently set for November 3, 2015 be vacated.

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2. That the Court either:

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(1) Set this case for a trial setting conference in on or after January 11, 2015 as convenient
17 to the Court or,

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(2) That the case be set for trial in or after June 2016 on a date convenient to the Court.

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3. All dates set in the Final Pretrial Order will be adjusted to correspond to the new trial
20 date, when set.

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IT IS SO STIPULATED:

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DATED: October 1, 2015

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/s/ David R. Olick
DAVID R. OLICK
RICHARD A. CANATELLA
Attorneys for Plaintiff

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DATED: October 1, 2015

/s/ William Murray
WILLIAM MURRAY
Attorney for Defendant


ORDER:

Based on the Stipulation of the Parties, and GOOD CAUSE APPEARING:

1. The trial date in this matter, November 3, 2015, is vacated.
2. The case is reset for trial on **June 14, 2016 at 9:00 a.m.**
3. Deadlines set in the Final Pretrial Order will be adjusted based on the new trial date.

IT IS SO ORDERED.

Dated: October 6, 2015


WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE