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12 **UNITED STATES DISTRICT COURT, EASTERN DISTRICT OF CALIFORNIA**
 13 **SACRAMENTO DIVISION**

15 In re 16 VIVIAN LILY, 17 Debtor. <hr/> 18 – 19 DAVID R. OLICK, 20 Plaintiff, 21 v. 22 VIVIAN LILY, 23 Defendant.) NO. 2:15-cv-00410-WBS-DAD) Bankruptcy Court Nos.) Chapter 7 No. 12-36999-B-7) Adversary Proceeding) No. 12-02717-B) JOINT APPLICATION TO CONTINUE) TRIAL BASED ON STIPULATION OF) THE PARTIES) Date: Trial Date June 14, 2016) Time: 9:00 a.m.) The Honorable William B. Shubb) Courtroom: 5
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25 The parties, Plaintiff David Olick (hereinafter, Olick) and Defendant Vivian Lily
 26 (hereinafter, Lily) by and through their respective counsel, jointly apply for a
 27 continuance of the trial of this matter, currently set for June 14, 2016 and
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respectfully request that the trial date be vacated, and the Court set the matter on calendar for a new trial date anytime subsequent to October 13, 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, restarted recently. 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 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 in 2015 had major surgery and it is likely she will have a major procedure relating to her bladder. Lily's ability to participate directly in settlement discussions over the next weeks is doubtful. As set forth in the Declaration of Olick, who is both a party and co-counsel in this case, he has cardiac health concerns and personal family problems which requires him to remain in Dallas, Texas through and including the present trial date. It is hoped that with additional time the parties can reach an overall settlement of the litigation between them, thereby avoiding the expenditure of judicial resources and the costs associated with trials in two forums. If the parties are unable to reach a negotiated settlement on their own, they anticipate asking the Court to refer this

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matter to a Magistrate Judge for a settlement conference.

The parties respectfully ask that the trial date be vacated, and that the case be set for trial any time subsequent to October 13, 2016, which is acceptable to both parties and their counsel, with all dates set in the Final Pretrial Order adjusted to the new trial date.

STIPULATION

Lily and Olick stipulate as follows:

- 1. In Order that settlement discussions may be pursued effectively, that the trial date of this matter currently set for June 14, 2016, be vacated.
- 2. The Court re-sets the trial date for **November 1, 2016 at 9:00 a.m.**
- 3. That all dates set in the Final Pretrial Order be adjusted to correspond to the new trial date.

/s/ David R. Olick
DAVID R. OLICK

/s/ Richard A. Canatella
RICHARD A. CANATELLA
Attorneys for Plaintiff

DATED: March 24, 2016

/s/William Murray
WILLIAM MURRAY
Attorney for Defendant

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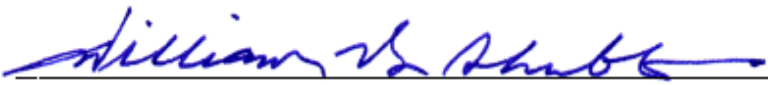
ORDER:

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

1. The trial date in this matter, June 14, 2016, is vacated.
2. The case is continued for trial on November 1, 2016 at 9:00 a.m.
3. All other dates and deadlines set forth in previous orders in this case are vacated.

IT IS SO ORDERED:

Dated: March 28, 2016



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE