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16	UNITED STATES	DISTRICT COURT
17	EASTERN DISTRICT OF CALIFORNIA	
18	SACRA	MENTO
19		
20	Citizens Against Corporate Crime, LLC, as	Case No. 2:18-cv-01269-TLN-DB
21	Relator,	Hon. Troy L. Nunley
22	Plaintiff,	Hon. Deborah Barnes
23	V.	JOINT STIPULATION FOR STAY
24	Lennar Corporation and Does 1 through 100, inclusive,	PENDING RESOLUTION OF DELAWARE BANKRUPTCY
25	Defendants.	PROCEEDINGS
26		
27		
28		
		JOINT STIPULATION FOR STAY CASE NO. 2:18-CV-01269

CASE NO. 2:18-CV-01269 Dockets.Justia.com

1 This stipulation is made by and between Relator Citizens Against Corporate Crime, LLC 2 ("CACC"), on the one hand, and defendant Lennar Corporation ("Lennar"), on the other hand, 3 through their respective undersigned counsel of record, with reference to the following facts: 4 WHEREAS, on February 24, 2017, Relator commenced this action by filing under seal a 5 complaint in the Superior Court of the State of California, County of Sacramento captioned 6 Citizens Against Corporate Crime, LLC v. Lennar Corporation and Does 1 Through 100, Case 7 No. 34-2017-00208469 (the "State Court Action"). CACC filed under seal a First Amended 8 Complaint in the State Court Action on October 24, 2017; 9 WHEREAS, on January 24, 2018, the California Superior Court issued an order lifting 10 the seal on the case (Dkt. 1-1 at 64-65); 11 **WHEREAS**, Lennar was served with the Complaint on April 17, 2018 (Dkt. 1 at 2); 12 WHEREAS, on May 17, 2018, Lennar timely filed a Notice of Removal with this Court 13 pursuant to 28 U.S.C. §§ 1441, 1446, and 1452(a). Among other things, the Notice of Removal 14 notified the Court that Relator's claims arise in, arise under, and relate to the prior jointly 15 administered Chapter 11 bankruptcy cases of LandSource Communities Development LLC and 16 certain of its affiliates captioned In re LandSource Communities Development LLC et al., 17 Case No. 08-11111 (Bankr. D. Del.) (the "Chapter 11 Cases"). The Notice of Removal informed the Court that Lennar intended to "promptly file" in the bankruptcy court a Motion to Reopen the 18 19 Chapter 11 Cases for the Limited Purpose of Enforcing the Injunction and Release in the Chapter 20 11 Plan (see Dkt. 1); 21 **WHEREAS**, the following day, on May 18, 2018, Lennar commenced proceedings in 22 Delaware by filing a Motion to Reopen the Chapter 11 Bankruptcy Cases for the Limited Purpose 23 of Enforcing the Injunction and Release in the Debtors' Joint Chapter 11 Plan and Confirmation 24 Order (the "Motion to Reopen") and attached to its Motion to Reopen a [Proposed] Motion to 25 Enforce the Injunction and Release in the Debtors' Joint Chapter 11 Plan and Confirmation 26 Order. Lennar's motions filed with the bankruptcy court are attached to this stipulation as 27 Exhibit A (the "Delaware Action"); 28

1	WHEREAS, the Delaware Bankruptcy Court (Hon. Carey) has set a hearing on the	
2	Motion to Reopen for July 17, 2018;	
3	WHEREAS, the parties agree it would save judicial resources and avoid the risk of	
4	inconsistent results in parallel proceedings to allow the Delaware Bankruptcy Court an	
5	opportunity to hear and rule on Lennar's Motion to Reopen before proceedings in this Court (if	
6	any) should proceed;	
7	WHEREAS, to that end, the parties respectfully jointly request a stay of proceedings in	
8	this Court pending resolution by the Delaware Bankruptcy Court of Lennar's Motion to Reopen;	
9	WHEREAS, this Court has inherent authority to stay this case pending resolution of the	
10	Delaware Action, see CMAX, Inc. v. Hall, 300 F.2d 265, 268 (9th Cir. 1962);	
11	BASED UPON THE FOREGOING, THE PARTIES HEREBY STIPULATE and	
12	request that the Court enter an Order that:	
13	1. This case and all deadlines in place pursuant to the federal rules, the local rules,	
14	and the Court's Initial Pretrial Scheduling Order (Dkt. 2) are stayed pending	
15	resolution by the bankruptcy court of Lennar's Motion to Reopen;	
16	2. The stay is entered without prejudice to the parties' ability to later amend their	
17	pleadings;	
18	3. The stay is entered without prejudice to Defendant's ability to later seek transfer of	
19	this matter to the District of Delaware; and	
20	4. The stay is entered without prejudice to the parties' ability to later petition	
21	(individually or together) the Court to lift the stay.	
22	IT IS SO STIPULATED.	
23	By: <u>/s/ Robert Barnes (as authorized on 05/31/18)</u> Robert Barnes	
24	Attorneys for Relator	
25	By: /s/ David Marroso	
26	David Marroso	
27	Attorneys for Defendant	
28	- 3 - JOINT STIPULATION FOR STAY CASE NO. 2:18-CV-01269	

1	IT IS SO ORDERED.
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3	Date: June 4, 2018
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6	Troy L. Nunley United States District Judge
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28	JOINT STIPULATION FOR ST - 4 - CASE NO. 2:18-CV-01