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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

CHICAGO’S PIZZA INC.,  
Plaintiff,  
v.  
KSM PIZZA, INC.,  
Defendant.

Case No. 2:19–CV–02373–KJM–CKD  
Hon. Kimberly J. Mueller, District Judge

**SECOND JOINT STIPULATION AND  
ORDER TO EXTEND TIME TO RESPOND  
TO CROSS-COMPLAINT BY 30 DAYS TO  
ALLOW FOR VDRP MEDIATION**

KSM PIZZA, INC.,  
Cross-Complainant,  
v.  
SHARANPREET ATWAL; et al.,  
Cross-Defendants.

WHEREAS, Plaintiff Chicago’s Pizza Inc. (“Plaintiff” or “Plaintiff/Cross-Defendant”) filed its Complaint in Case No. 2:19–CV–02373 against Defendant KSM Pizza, Inc. (“Defendant” or “Defendant/Cross-Complainant”) on November 22, 2019 (Dkt. 1);

WHEREAS, Plaintiff served the Summons and Complaint on Defendant on February 7, 2020 (Dkt. 7);

WHEREAS, Defendant filed a Motion to Dismiss the Complaint (“MTD”) on March 4, 2020 (Dkt. 9);

1           WHEREAS, on June 26, 2020, the Court held a Status Conference and ordered the  
2 following: “By way of this order, the court memorialized the parties’ 502 Agreement. After  
3 consideration of the parties’ comments related to settlement, the court REFERRED the matter to  
4 the Voluntary Dispute Resolution Program (VDRP) for identification of a neutral as soon as  
5 practical. This case schedule will become final without further order of the court unless objections  
6 are filed within fourteen (14) calendar days of this order. The schedule, once final, shall not be  
7 modified except by leave of court upon showing of good cause. All provisions of the court’s  
8 standing scheduling order for Civil Cases filed concurrently herewith are incorporated therein.”  
9 (Dkt. 18);

10           WHEREAS, the Court issued an Order denying Defendant’s MTD on July 6, 2020, (Dkt.  
11 20);

12           WHEREAS, Defendant filed its Answer to the Complaint on July 21, 2020, (Dkt. 21);

13           WHEREAS, on July 22, 2020, Defendant filed and served a First Amended Answer and  
14 Cross Complaint (“Cross-Complaint”) against Plaintiff Chicago’s Pizza Inc., making  
15 Plaintiff/Cross-Defendant’s responsive pleading initially due August 12, 2020, (Dkt. 22);

16           WHEREAS, on August 3, 2020, the VDRP Administrator appointed Andrew Stroud as  
17 VDRP Neutral Attorney (Dkt. 24);

18           WHEREAS, on August 11, 2020, the Parties stipulated to a 28-day extension, to September  
19 9, 2020, for Plaintiff/Cross-Defendant to respond to the Cross-Complaint pursuant to Local Rule  
20 144(a), to respond to the Complaint (Dkt. 25), which is the only prior extension of this deadline;

21           WHEREAS, the parties are in the process of scheduling the VDRP mediation date with Mr.  
22 Stroud’s office for a date in the next several weeks; and

23           WHEREAS, to allow the parties to attempt to resolve the action through the VDRP, and  
24 then for Plaintiff/Cross-Defendant to draft a responsive pleading if the VDRP mediation is not  
25 successful, the Parties have agreed to extend Plaintiff/Cross-Defendant’s time to respond to the  
26 Cross-Complaint by 30 days, to October 9, 2020 pending the approval of this Court.

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1           **NOW, THEREFORE, BASED ON THE FOREGOING FACTS, THE PARTIES**  
2 **HEREBY STIPULATE THAT:**

3           Plaintiff/Cross-Defendant Chicago's Pizza Inc.'s last day to file its pleading in response to  
4 Defendant/Cross-Complainant's Cross-Complaint is extended by 30 days, from September 9, 2020,  
5 to October 9, 2020.

6           **IT IS SO STIPULATED.**

7  
8 DATED: September 14, 2020

**FAEGRE DRINKER BIDDLE &  
REATH LLP**

9  
10 By: /s/ Michael Jaeger

Michael Jaeger

Louis T. Perry (*pro hac vice*)

11  
12 *Attorneys for Plaintiff/Cross-Defendant*  
13 CHICAGO'S PIZZA INC.

14 DATED: September 14, 2020

**LAW OFFICES OF TIMOTHY T. HUBER**

15  
16 By: /s/ Timothy T. Huber

Timothy T. Huber

17  
18 *Attorneys for Defendant/Cross-Complainant*  
19 KSM PIZZA, INC.

20           **ATTESTATION**

21           I attest that all other signatories listed, and on whose behalf the filing is submitted, concur in  
22 the filing's content and have authorized the filing.

23  
24 Dated: September 14, 2020

/s/ Michael Jaeger

Michael Jaeger

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**IT IS SO ORDERED.**

DATED: September 14, 2020.

  
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CHIEF UNITED STATES DISTRICT JUDGE