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11 Attorneys for Defendant and Counter-Claimant
TOLL BROS, INC.

12 **IN THE UNITED STATES DISTRICT COURT**
13 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
14 **(SAN FRANCISCO DIVISION)**

15
16 STONEBRAE L.P., a Delaware limited
17 partnership,

18 Plaintiff,

19 vs.

20 TOLL BROS, INC., a Pennsylvania
21 Corporation, TOLL BROTHERS, INC., a
Delaware corporation, DOES 1 through 15,
22 inclusive,

23 Defendants.

24 And Related Counterclaims.
25

Case No. 08-cv-00221 EMC

**STIPULATION AND [PROPOSED]
ORDER TO CONTINUE HEARING
DATE ON STONEBRAE'S MOTION
FOR PARTIAL SUMMARY JUDGMENT**

Before the Honorable Edward M. Chen
Courtroom C, 15th Floor

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STIPULATION

Whereas, on February 16, 2010, Plaintiff and Counter-Defendant Stonebrae L.P. (“Stonebrae”) filed a Motion to Dismiss Toll’s Sixth Counterclaim for breach of the covenant of good faith and fair dealing, which is set to be heard on March 31, 2010;

Whereas, on February 24, 2010, Stonebrae filed a Motion for Partial Summary Judgment, which, among other things, seeks partial summary judgment on Toll’s Sixth Counterclaim for breach of the covenant of good faith and fair dealing;

Whereas, on February 25, 2010, the Court continued on its own motion the hearing date on Stonebrae’s Motion for Partial Summary Judgment to April 21, 2010, and set the dates for the opposition and reply briefs for March 31, 2010 and April 7, 2010, respectively; and

Whereas, the parties have agreed to continue the hearing date on Stonebrae’s Motion for Partial Summary Judgment to May 12, 2010, or as soon thereafter as the matter may be heard;

The parties hereby stipulate to the following:

1. The hearing on Stonebrae’s Motion for Partial Summary Judgment shall be reset for May 12, 2010 at 10:30 a.m. or as soon thereafter as the matter may be heard;
2. Toll’s opposition shall be due 21 days before the reset hearing date; and
3. Stonebrae’s reply shall be due 14 days before the reset hearing date.

DATED: March 19, 2010. KASOWITZ, BENSON, TORRES & FRIEDMAN LLP

By: /S/ Christopher J. McNamara
Christopher J. McNamara
Attorneys for Defendant and Counter-Claimant
TOLL BROS, INC.

DATED: March 19, 2010. SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

COOPER & KIRKHAM, P.C.

By: /S/ Philip F. Atkins-Pattenson
Philip F. Atkins-Pattenson
Attorneys for Plaintiff and Counter-Defendant
STONEBRAE L.P.

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~~PROPOSED~~ ORDER

Pursuant to the above stipulation, IT IS HEREBY ORDERED that:

1. The hearing on Stonebrae's Motion for Partial Summary Judgment shall be reset for May 12, 2010 at 3:00 p.m.;
2. Toll's opposition shall be due 21 days before the reset hearing date; and
3. Stonebrae's reply shall be due 14 days before the reset hearing date.

DATED: 3/25/10

By: _____
The Honorable Edward M. Chen

