

1 KASOWITZ, BENSON, TORRES & FRIEDMAN LLP  
 Donald J. Putterman (SBN 90822)  
 2 E-mail: dputterman@kasowitz.com  
 Christopher J. McNamara (SBN 209205)  
 3 E-mail: cmcnamara@kasowitz.com  
 Emily de Ayora (SBN 250349)  
 4 E-mail: edeayora@kasowitz.com  
 101 California Street, Suite 2300  
 5 San Francisco, California 94111  
 Telephone: (415) 421-6140  
 6 Facsimile: (415) 398-5030

7 TIMOTHY J. HOBAN (SBN 192461)  
 Regional Counsel for Toll Bros., Inc.  
 8 E-mail: thoban@tollbrothersinc.com  
 725 Town & Country Road, Suite 500  
 9 Orange, California 92868  
 Telephone: (714) 347-1300  
 10 Facsimile: (714) 835-9683

11 Attorneys for Defendant  
 TOLL BROS, INC.

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

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

17 Plaintiff,

18 v.

19 TOLL BROS., INC., a Pennsylvania  
 20 Corporation,

21 Defendant.

22 And Related Counterclaims.

Case No. 08-cv-00221 EMC

**STIPULATION AND [PROPOSED]**  
**ORDER CONTINUING THE HEARING**  
**DATE ON DEFENDANT'S MOTION FOR**  
**PARTIAL SUMMARY JUDGMENT**

Judge: Hon. Edward Chen  
 Trial Date: February 28, 2011

23 Defendant Toll Bros., Inc., ("Toll") filed a Motion for Partial Summary Judgment (the  
 24 "Motion") on September 1, 2010. (Dkt. # 192.) The hearing on the Motion was initially set for  
 25 October 6, 2010, and was reset by the Court to October 7, 2010. (Dkt. # 196.) On September 3,  
 26 2010, Plaintiff Stonebrae L.P. ("Stonebrae") filed an administrative motion to defer the Motion  
 27 until after the close of discovery. (Dkt. # 197.) On September 8, 2010, the Court granted in part  
 28 and denied in part Stonebrae's administrative motion. (Dkt. # 202.) The Court found that some

1 deferral was reasonable, particularly in light of the fact that the deposition of James Boyd was not  
2 scheduled to take place until September 30, 2010. The Court continued the hearing on the Motion  
3 to October 27, 2010, and ordered that Stonebrae's opposition brief be filed by October 6, 2010,  
4 and Toll's reply brief be filed by October 13, 2010.

5 Due to unanticipated family health issues, Mr. Boyd is not able to appear for deposition on  
6 September 30, 2010. The parties have agreed that the deposition of Mr. Boyd will take place on  
7 October 5, 2010. The parties have also agreed to continue the hearing on the Motion to November  
8 3, 2010, and to modify the briefing schedule accordingly.

9 IT IS HEREBY STIPULATED AND AGREED, by and between the parties hereto and  
10 their respective undersigned attorneys, as follows:

11 The hearing on Toll's Motion for Partial Summary Judgment is continued to November 3,  
12 2010, at 10:30 a.m. Stonebrae's opposition brief shall be filed by October 13, 2010. Toll's reply  
13 brief shall be filed by October 20, 2010.

14  
15 DATED: September 16, 2010 KASOWITZ, BENSON, TORRES & FRIEDMAN LLP

16  
17  
18 By: /s/ Christopher J. McNamara  
19 Christopher J. McNamara  
Attorneys for Defendant  
TOLL BROS., INC.

20 DATED: September 16, 2010 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

21  
22 By: /s/ Philip Atkins-Pattenson  
23 Philip Atkins-Pattenson  
24 Attorneys for Plaintiff  
STONEBRAE L.P.

25 PURSUANT TO STIPULATION, IT IS SO ORDERED.

26 DATED: September 17, 2010

27 Edward M. Chen  
United States District Court

