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10 Attorneys for Defendants
 TOLL BROS., INC., and
 11 TOLL BROTHERS, 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
 partnership,

16 Plaintiff,

17 vs.

18 TOLL BROS., INC., a Pennsylvania
 19 corporation; TOLL BROTHERS, INC., a
 Delaware corporation; DOES 1 through 15,
 20 inclusive,

21 Defendants.

Case No. 08-CV-00221 EMC

**STIPULATION AND [PROPOSED]
 ORDER TO ALLOW DEFENDANT TO
 FILE A FIRST AMENDED ANSWER,
 AFFIRMATIVE DEFENSES, AND
 COUNTERCLAIMS**

22 Pursuant to Federal Rule of Civil Procedure 15(a), Plaintiff Stonebrae L.P. (“Stonebrae”)
 23 and Defendant Toll Bros., Inc. (“Toll”) hereby stipulate that Defendant Toll may file a First
 24 Amended Answer, Affirmative Defenses, and Counterclaims.

25 **STIPULATION**

26 WHEREAS Plaintiff Stonebrae filed a First Amended Complaint (“Complaint”) in this
 27 matter on January 15, 2008;

28 WHEREAS Defendant Toll filed an Answer, Affirmative Defenses, and Counterclaims

1 of Defendant Toll Bros., Inc., to Complaint on February 20, 2008;

2 WHEREAS the trial in this matter is set for July 19, 2010;

3 WHEREAS Defendant Toll desires to file a First Amended Answer, Affirmative
4 Defenses, and Counterclaims to assert additional affirmative defenses and counterclaims;

5 WHEREAS Plaintiff Stonebrae has agreed that Toll may file the First Amended Answer,
6 Affirmative Defenses, and Counterclaims of Defendant Toll Bros., Inc., to Complaint, a copy of
7 which is attached hereto as Exhibit A (without exhibits).

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

10 Toll may file the First Amended Answer, Affirmative Defenses, and Counterclaims of
11 Defendant Toll Bros., Inc., to Complaint;

12 Stonebrae shall have 30 days from the filing date to file a response to the First Amended
13 Answer, Affirmative Defenses, and Counterclaims of Defendant Toll Bros., Inc., to Complaint.

14

15 IT IS SO STIPULATED.

16 DATED: September 18, 2008 KASOWITZ BENSON TORRES & FRIEDMAN LLP

17

18 By: /s/ Christopher J. McNamara
19 Christopher J. McNamara
20 Attorneys for Defendants
TOLL BROS., INC.

21 DATED: September 18, 2008 COOPER & KIRKHAM, P.C.

22 By: /s/ Josef D. Cooper
23 Josef D. Cooper
24 Attorneys for Plaintiff
STONEBRAE L.P.

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~~[PROPOSED]~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: September 23, 2008



By: _____

Hon. Edward M. Chen
U.S. Magistrate Judge