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10 Attorneys for Defendants
 TOLL BROS., INC.

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

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

16 Plaintiff,

17 vs.

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

21 Defendants.

Case No. 08-CV-00221 EMC

**STIPULATION AND [PROPOSED]
 ORDER REGARDING BRIEFING
 SCHEDULE**

22 Plaintiff Stonebrae L.P. (“Stonebrae”) and Defendant Toll Bros., Inc. (“Toll”) hereby
 23 stipulate to the following:

24 **STIPULATION**

25 WHEREAS Plaintiff Stonebrae filed a First Amended Complaint in this matter on
 26 January 15, 2008;

27 WHEREAS Toll filed an Answer, Affirmative Defenses, and Counterclaims of
 28 Defendant Toll Bros., Inc., to Complaint on February 20, 2008;

1 WHEREAS Toll filed a First Amended Answer, Affirmative Defenses, And
2 Counterclaims of Defendant Toll Bros., Inc. to Complaint on September 23, 2008 (“First
3 Amended Answer”);

4 WHEREAS on October 30, 2008, Stonebrae filed a Motion to Strike Thirteenth
5 Affirmative Defense and Dismiss Fourth Claim for Relief of Defendant Toll Bros., Inc., and a
6 separate Motion to Dismiss Pursuant to F.R.C.P. 12(b)(6) (collectively “Stonebrae’s Motions”),
7 which are currently set to be heard on December 10, 2008, at 3:00 p.m.;

8 WHEREAS Toll intends to file a motion for partial summary adjudication on its
9 thirteenth affirmative defense and fourth counterclaim for relief;

10 WHEREAS it is in the interest of judicial efficiency for Toll’s motion for partial
11 summary adjudication to be heard at the same time as Stonebrae’s Motions.

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

14 The hearing on Stonebrae’s Motions shall be continued from December 10, 2008, at 3:00
15 p.m. until January 14, 2009, at 10:30 a.m.;

16 The hearing on Toll’s motion for partial summary judgment shall also be heard on
17 January 14, 2009, at 10:30 a.m.;

18 Toll shall file its oppositions to Stonebrae’s Motions and Toll’s moving papers on Toll’s
19 motion for partial summary judgment on or before November 26, 2008;

20 Stonebrae shall file its replies on Stonebrae’s Motions and its opposition to Toll’s motion
21 for partial summary judgment on or before December 19, 2008.

22 Toll shall file its reply on its motion for partial summary judgment on or before
23 December 31, 2008.

24 IT IS SO STIPULATED.

25 DATED: November 12, 2008 KASOWITZ BENSON TORRES & FRIEDMAN LLP

26
27 By: /s/ Christopher J. McNamara
28 Christopher J. McNamara
Attorneys for Defendants
TOLL BROS., INC.

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DATED: November 12, 2008 COOPER & KIRKHAM, P.C.

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

[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: November 17, 2008

By: _____
Hon. Edw
U.S. Mag

