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14 Attorneys for Plaintiff  
 15 STONEBRAE L.P.

16 **IN THE UNITED STATES DISTRICT COURT**  
 17 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
 18 **(SAN FRANCISCO DIVISION)**

20 STONEBRAE L.P., a Delaware limited  
 21 partnership,

22 Plaintiff,

23 v.

24 TOLL BROS., INC., a Pennsylvania  
 25 corporation; TOLL BROTHERS, INC., a  
 Delaware corporation; DOES 1 through 15,  
 26 inclusive,

27 Defendants.

Case No. 08-CV-00221 EMC

**STIPULATED REQUEST AND  
 [PROPOSED] ORDER EXTENDING  
 DEADLINE TO COMPLETE PRIVATE  
 MEDIATION**

Before: The Honorable Edward M. Chen  
 Courtroom C, 15th Flr.

1                   **STIPULATED REQUEST FOR ORDER EXTENDING DEADLINE**  
2                   **TO COMPLETE PRIVATE MEDIATION**

3                   Pursuant to Local Rules 6-1(b), 6-2 and 7-12, Plaintiff Stonebrae L.P. (“Stonebrae”) and  
4 Defendant Toll Bros., Inc. (“Toll”) request that the Court enter an order extending the deadline  
5 to complete private mediation and adopting the schedule below.

6                   **STIPULATION**

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

10                  WHEREAS on October 30, 2008, Stonebrae filed a Motion to Strike Thirteenth  
11 Affirmative Defense and Dismiss Fourth Claim for Relief of Defendant Toll Bros., Inc., and a  
12 separate Motion to Dismiss Pursuant to F.R.C.P. 12(b)(6) (collectively “Stonebrae’s Motions”);

13                  WHEREAS Toll filed its opposition to Stonebrae’s Motion to Strike Thirteenth  
14 Affirmative Defense and Dismiss Fourth Claim for Relief and a Motion for Summary Judgment  
15 on November 25, 2008, and intends to file its opposition to Stonebrae’s Motion to Dismiss  
16 Pursuant to F.R.C.P. 12(b)(6) on or before November 26, 2008;

17                  WHEREAS the hearing on Stonebrae’s Motions and Toll’s Motion for Summary  
18 Judgment shall be heard on January 14, 2009, at 10:30 a.m.;

19                  WHEREAS the deadline for the parties to complete private mediation pursuant to the  
20 Case Management and Pretrial Order for Jury Trial is currently December 12, 2008; and

21                  WHEREAS the briefing on the parties’ motions may be of assistance to the mediation.

22                  IT IS HEREBY STIPULATED AND AGREED, by and between the parties hereto and  
23 their respective undersigned attorneys, as follows, subject to approval by the Court:

24                  The deadline for the parties to complete private mediation pursuant to the Case  
25 Management and Pretrial Order for Jury Trial heretofore set for December 12, 2008, is hereby  
26 extended to February 13, 2009.

27                  IT IS SO STIPULATED.

1 Dated: November 25, 2008

COOPER & KIRKHAM, P.C.

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SHEPPARD, MULLIN, RICHTER & HAMPTON  
LLP

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

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8 Dated: November 25, 2008

KASOWITZ, BENSON, TORRES & FRIEDMAN  
LLP

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TIMOTHY J. HOBAN, ESQ.

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

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**ATTESTATION OF FILING**

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Pursuant to General Order No. 45 § X (B), I hereby attest that I have obtained  
16 concurrence in the service and filing of this Stipulation with electronic signatures from all of the  
17 parties listed in the signature blocks above.

18

/s/ Josef D. Cooper  
Josef D. Cooper

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**[PROPOSED] ORDER**

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This Court, having reviewed the Stipulated Request for Order, accompanying Stipulation  
22 of the parties, and the Declaration of Josef D. Cooper in Support, and good cause appearing  
23 therefore, orders that the deadline for the parties to complete private mediation is hereby  
24 extended to February 13, 2009.

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IT IS SO ORDERED.

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27 Date: December 9, 2008

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

