| 1       GREBEN & ASSOCIATES         125 E. DE LA GUERRA ST., STE. 203         2       SANTA BARBARA, CA 93101         3       FACSIMILE: (605) 963-9008         4       Jan A. Greben, State Bar No. 103464         1milig arcbenlaw.com       Jeff @ crebenlaw.com         6       Attorneys for Plaintiff, Cross Defendant, Third Party Defendant, Counter Defendant and Counter Claimant KFD Enterprises, Inc., a California corporation dba Norman's Dry Cleaner, and Third Party Defendant Kenneth Daer         0       UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA         11       RFD ENTERPRISES, INC., a California corporation dba Norman's Dry Cleaner,         12       KFD ENTERPRISES, INC., a California corporation dba Norman's Dry Cleaner,         13       Case No.: 3:08-CV-04571 MMC         14       Plaintiff.         15       vs.         16       UNITED STATES DISTRICT COURT NO EXTEND RESPONSE DEADLINES REGARDING ENVIRONMENTAL RESOLUTION INC.'S MOTION INC.'S MOTION INC.'S MOTION NC.'S MOTION INC.'S MOTION INC.'S MOTION INC.'S MOTION NC.'S MOTION INC.'S MOTION PO SUMMARY JUDGMENT; JEROPOSED ORDER         17       Defendants.         18   |    |   |   |  |
|--|----|---|---|--|
| 135 E. De LA OUERRA ST, STE 203         2       SANTA BARBARA, CA 93101         136 E. DE LA OUERRA ST, STE 203         3       FACSIMILE: (805) 963-9098         4       Jan A. Greben, State Bar No. 103464         1an & Greben, State Bar No. 233499         jeff @grebenlaw.com         6         7       Attorneys for Plaintiff, Cross Defendant, Third Party Defendant, Counter Defendant and Counter Claimant KEPD Enterprises, Inc., a California corporation dba Norman's Dry Cleaner, and Third Party Defendant Kenneth Daer         9       UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA         11       NORTHERN DISTRICT OF CALIFORNIA         12       KFD ENTERPRISES, INC., a California corporation dba Norman's Dry Cleaner, and Third Party Defendants.         14       Plaintiff, vs.         15       vs.         16       STIPULATION TO EXTEND RESPONSE DEADLINES REGARDING ENVIRONMENTAL RESOLUTION INC.'S MOTION FO SUMMARY JUDGMENT; JEROPOSED (ORDER         16       Vs.         17       Defendants.         18   | 1  | GREBEN & ASSOCIATES   |   |  |
| 2       TELEPHONE: (805) 963-9098         3       Jan A. Greben, State Bar No. 103464         jan @ grebenlaw.com       Jeff G. Coyner, State Bar No. 233499         6       Attorneys for Plaintiff, Cross Defendant, Third Party Defendant, Counter Defendant and Counter Claimant KFD Enterprises, Inc., a California corporation dba Norman's Dry Cleaner, and Third Party Defendant Kenneth Daer         7       Attorneys for Plaintiff, Cross Defendant, Third Party Defendant, Counter Defendant Kenneth Daer         8       California corporation dba Norman's Dry Cleaner, and Third Party Defendant Kenneth Daer         9       KFD ENTERPRISES, INC., a California corporation dba Norman's Dry Cleaner,         14       Plaintiff, vs.         15       vs.         16       California corporation dba Norman's Dry Cleaner,         17       NORTHERN DISTRICT COURT         18       Plaintiff, vs.         16       CITY OF EUREKA, et al.         17       Defendants.         18       Defendants.         19       AND RELATED COUNTER AND CROSS         11       Defendant, Third Party Defendant, Counter Defendant and Counter Claimant         18       Detenterprises, Inc. and Third Party Defendant, Counter Defendant and Counter Claimant         19       Plaintiff, Cross Defendant, Third Party Defendant, Counter Defendant and Counter Claimant         14   |    |   |   |  |
| Jan A. Greben, State Bar No. 103464         Jan A. Greben, State Bar No. 233499         Jeff G. Coyner, State Bar No. 233499         Jeff G. Coyner, State Bar No. 233499         Jeff G. Coyner, State Bar No. 233499         Jan A. Greben, State Bar No. 233499         Jeff G. Coyner, State Bar No. 233499         Jan A. Greben, State Bar No. 2015         California corporation dba Norman's Dry Cleaner,         Cleaner,       Plaintiff, State Bar No. 23         Vs.       Citry OF EUREKA, et al.         Jan ND RELATED COUNTER AND CROSS       Date: November 16, 2012         Jime: 9:00 a.m.       Dept: Honorable Maxine M. Chesney         Jan A. KFD Enterprises, Inc. and Third Party Defendant Kenneth Daer (collectively "KFD"), Defendant,         Counter Claimant and Third   |    | TELEPHONE: (805) 963-9090   |   |  |
| 4       juin@grebenlaw.com         5       jeff@grebenlaw.com         6       Attorneys for Plaintiff, Cross Defendant, Third Party Defendant, Counter Defendant and Counter Claimant KFD Enterprises, Inc., a California corporation dba Norman's Dry Cleaner, and Third Party Defendant Kenneth Daer         7       Attorneys for Plaintiff, Cross Defendant, Third Party Defendant, Counter Defendant Kenneth Daer         9       UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA         10       UNITED STATES DISTRICT COURT California corporation dba Norman's Dry Cleaner,         11       California corporation dba Norman's Dry Cleaner,         12       KFD ENTERPRISES, INC., a California corporation dba Norman's Dry Cleaner,       Case No.: 3:08-CV-04571 MMC         13       California corporation dba Norman's Dry Cleaner,       STIPULATION 'TO EXTEND RESPONSE         14       Plaintiff, vs.       STIPULATION 'TO EXTEND RESPONSE         15       vs.       STIPULATION 'TO EXTEND RESPONSE         16       CITY OF EUREKA, et al.       Defendants.         17       Defendants.       Defendants.         18   |    |   |   |  |
| icff@grebenlaw.com         Attorneys for Plaintiff, Cross Defendant, Third Party Defendant, Counter Defendant and Counter Claimant KFD Enterprises, Inc., a California corporation dba Norman's Dry Cleaner, and Third Party Defendant Kenneth Daer         Image: the state of t  |    | jan@grebenlaw.com   |   |  |
| 7       Attorneys for Plaintiff, Cross Defendant, Third Party Defendant, Counter Defendant and Counter Claimant KFD Enterprises, Inc., a California corporation dba Norman's Dry Cleaner, and Third Party Defendant Kenneth Daer         10       UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA         11       Image: Comparison of the Norman's Dry Cleaner, and Third Party Defendant Server Cleaner, and Third Party Defendants of the Norman's Dry Cleaner, and Third Party Defendants.         12       KFD ENTERPRISES, INC., a Case No.: 3:08-CV-04571 MMC         13       Case No.: 3:08-CV-04571 MMC         14       Plaintiff, vs.         15       vs.         16       Case No.: 3:08-CV-04571 MMC         17       Plaintiff, vs.         18       STIPULATION TO EXTEND RESPONSE DEADLINES REGARDING         19       AND RELATED COUNTER AND CROSS         19       AND RELATED COUNTER AND CROSS         11       Date: November 16, 2012         12       Time: 9:00 a.m.         12       Date: November 16, 2012         13       Time: 9:00 a.m.         14       KFD Enterprises, Inc. and Third Party Defendant, Counter Defendant and Counter Claimant         14       KFD Enterprises, Inc. and Third Party Defendant Kenneth Daer (collectively "KFD"), Defendant,         15       Counter Claimant and Third Party Plaintiff City of Eureka ("Eureka"), and Defendant and Third </td <td></td> <td colspan="3"></td>  |    |   |   |  |
| <ul> <li>Counter Defendant and Counter Claimant KFD Enterprises, Inc.,<br/>a California corporation dba Norman's Dry Cleaner, and<br/>Third Party Defendant Kenneth Daer</li> <li>KFD ENTERPRISES, INC., a<br/>California corporation dba Norman's Dry<br/>Cleaner,</li> <li>KFD ENTERPRISES, INC., a<br/>California corporation dba Norman's Dry<br/>Cleaner,</li> <li>Plaintiff,<br/>vs.</li> <li>CITY OF EUREKA, et al.</li> <li>Defendants.</li> <li>AND RELATED COUNTER AND CROSS</li> <li>CLAIMS</li> <li>Plaintiff, Cross Defendant, Third Party Defendant, KFD Enterprises, Inc. and Third Party Defendant Kenneth Daer (collectively "KFD"), Defendant,</li> <li>Counter Claimant and Third Party Plaintiff City of Eureka ("Eureka"), and Defendant and Third</li> <li>Party Defendant Environmental Resolutions, Inc. ("ERI"), hereby stipulate to:</li> <li>Extend the time providing KFD an additional seven days to file and serve an opposition to ERI's motion for summary judgment filed in this action on September 27, 2012 as</li> </ul>   |    | Attaments for Disintiff Cross Defendant Third De  | rts: Defendent                                    |  |
| 9       UNITED STATES DISTRICT COURT<br>NORTHERN DISTRICT OF CALIFORNIA         11       NORTHERN DISTRICT OF CALIFORNIA         12       KFD ENTERPRISES, INC., a<br>California corporation dba Norman's Dry<br>Cleaner,       Case No.: 3:08-CV-04571 MMC         13       Plaintiff,         14       Plaintiff,         15       vs.         16       CITY OF EUREKA, et al.         17       Defendants.         18       Defendants.         19       AND RELATED COUNTER AND CROSS         10       Date: November 16, 2012<br>Time: 9:00 a.m.<br>Dept: Honorable Maxine M. Chesney         12       Plaintiff, Cross Defendant, Third Party Defendant, Counter Defendant and Counter Claimant         14       KFD Enterprises, Inc. and Third Party Defendant Kenneth Daer (collectively "KFD"), Defendant,         12       Counter Claimant and Third Party Plaintiff City of Eureka ("Eureka"), and Defendant and Third         14       Farty Defendant Environmental Resolutions, Inc. ("ERI"), hereby stipulate to:         1.       Extend the time providing KFD an additional seven days to file and serve an opposition to ERI's motion for summary judgment filed in this action on September 27, 2012 as  |    | Counter Defendant and Counter Claimant KFD Enterprises, Inc.,<br>a California corporation dba Norman's Dry Cleaner, and |   |  |
| 10       UNITED STATES DISTRICT COURT<br>NORTHERN DISTRICT OF CALIFORNIA         11       Case No.: 3:08-CV-04571 MMC         12       Case No.: 3:08-CV-04571 MMC         13       Case No.: 3:08-CV-04571 MMC         14       Case No.: 3:08-CV-04571 MMC         15       Case No.: 3:08-CV-04571 MMC         16       Case No.: 3:08-CV-04571 MMC         17       Destination of the and and a norman's Dry Cleaner,         16       STIPULATION TO EXTEND RESPONSE DEADLINES REGARDING ENVIRONMENTAL RESOLUTION INC.'S MOTION FO SUMMARY JUDGMENT; IPROPOSED ORDER         18       Defendants.         19       AND RELATED COUNTER AND CROSS CLAIMS         10       Date: November 16, 2012 Time: 9:00 a.m. Dept: Honorable Maxine M. Chesney         10       Date: November 16, 2012 Time: 9:00 a.m. Dept: Honorable Maxine M. Chesney         11       Plaintiff, Cross Defendant, Third Party Defendant, Counter Defendant and Counter Claimant         14       KFD Enterprises, Inc. and Third Party Defendant Kenneth Daer (collectively "KFD"), Defendant,         12       Plaintiff, Cross Defendant, Third Party Defendant Kenneth Daer (collectively "KFD"), Defendant,         15       Counter Claimant and Third Party Plaintiff City of Eureka ("Eureka"), and Def  | 9  | Inird Party Defendant Kenneth Daer  |   |  |
| NORTHERN DISTRICT OF CALIFORNIA         11         12         13         14         15         16         17         18         19         18         19         11         18         19         19         111         111         12         13         14         15         15         16         17         17         18         19         AND RELATED COUNTER AND CROSS         11         12         12         12         12         13         14         15         16         17         17         18         19         AND RELATED COUNTER AND CROSS         10         11         12         12         13         14         15         16         17         17 <td></td> <td colspan="3">UNITED STATES DISTRICT COURT</td>  |    | UNITED STATES DISTRICT COURT  |   |  |
| 12       KFD ENTERPRISES, INC., a<br>California corporation dba Norman's Dry<br>Cleaner,       Case No.: 3:08-CV-04571 MMC         13       Plaintiff,<br>vs.       STIPULATION TO EXTEND RESPONSE<br>DEADLINES REGARDING<br>ENVIRONMENTAL RESOLUTION INC.'S<br>MOTION FO SUMMARY JUDGMENT;<br>JPROPOSEDJ ORDER         16       CITY OF EUREKA, et al.       Defendants.         17       Defendants.         18       AND RELATED COUNTER AND CROSS       Date: November 16, 2012<br>Time: 9:00 a.m.<br>Dept: Honorable Maxine M. Chesney         20       Plaintiff, Cross Defendant, Third Party Defendant, Counter Defendant and Counter Claimant         21       Value of the providing KFD an additional seven days to file and serve an<br>opposition to ERI's motion for summary judgment filed in this action on September 27, 2012 as  |    | NORTHERN DISTRI   | ICT OF CALIFORNIA                                 |  |
| <ul> <li>California corporation dba Norman's Dry<br/>Cleaner,</li> <li>Plaintiff,</li> <li>VS.</li> <li>CITY OF EUREKA, et al.</li> <li>Defendants.</li> <li>AND RELATED COUNTER AND CROSS</li> <li>CLAIMS</li> <li>Plaintiff, Cross Defendant, Third Party Defendant, Counter Defendant and Counter Claimant</li> <li>KFD Enterprises, Inc. and Third Party Defendant Kenneth Daer (collectively "KFD"), Defendant,</li> <li>Counter Claimant and Third Party Plaintiff City of Eureka ("Eureka"), and Defendant and Third</li> <li>Party Defendant Environmental Resolutions, Inc. ("ERI"), hereby stipulate to:</li> <li>Extend the time providing KFD an additional seven days to file and serve an opposition to ERI's motion for summary judgment filed in this action on September 27, 2012 as</li> </ul>   |    |   |   |  |
| 14       Plaintiff,         15       vs.         16       CITY OF EUREKA, et al.         17       Defendants.         18   |    | California corporation dba Norman's Dry   | Case No.: 3:08-CV-04571 MIMC                      |  |
| 15       V8.         16       CITY OF EUREKA, et al.         17       Defendants.         18   |    |   |   |  |
| <ul> <li>VS.</li> <li>CITY OF EUREKA, et al.</li> <li>Defendants.</li> <li>AND RELATED COUNTER AND CROSS</li> <li>CLAIMS</li> <li>Plaintiff, Cross Defendant, Third Party Defendant, Counter Defendant and Counter Claimant</li> <li>KFD Enterprises, Inc. and Third Party Defendant Kenneth Daer (collectively "KFD"), Defendant,</li> <li>Counter Claimant and Third Party Plaintiff City of Eureka ("Eureka"), and Defendant and Third</li> <li>Party Defendant Environmental Resolutions, Inc. ("ERI"), hereby stipulate to:</li> <li>1. Extend the time providing KFD an additional seven days to file and serve an opposition to ERI's motion for summary judgment filed in this action on September 27, 2012 as</li> </ul>  |    | Plaintiff,  |   |  |
| Interpretendent       Image: Construction of the second seco | 15 | VS.   | <b>ENVIRONMENTAL RESOLUTION INC.'S</b>            |  |
| 18   | 16 | CITY OF EUREKA, et al.  |   |  |
| 19       AND RELATED COUNTER AND CROSS<br>CLAIMS       Date: November 16, 2012<br>Time: 9:00 a.m.<br>Dept: Honorable Maxine M. Chesney         20       1         21       Dept: Honorable Maxine M. Chesney         22       23         23       Plaintiff, Cross Defendant, Third Party Defendant, Counter Defendant and Counter Claimant         24       KFD Enterprises, Inc. and Third Party Defendant Kenneth Daer (collectively "KFD"), Defendant,         25       Counter Claimant and Third Party Plaintiff City of Eureka ("Eureka"), and Defendant and Third         26       Party Defendant Environmental Resolutions, Inc. ("ERI"), hereby stipulate to:         27       1. Extend the time providing KFD an additional seven days to file and serve an         28       opposition to ERI's motion for summary judgment filed in this action on September 27, 2012 as  | 17 | Defendants.   |   |  |
| 13       AND RELATED COUNTER AND CROSS<br>CLAIMS       Dept: Honorable Maxine M. Chesney         20       Dept: Honorable Maxine M. Chesney         21       Dept: Honorable Maxine M. Chesney         22       Plaintiff, Cross Defendant, Third Party Defendant, Counter Defendant and Counter Claimant         24       KFD Enterprises, Inc. and Third Party Defendant Kenneth Daer (collectively "KFD"), Defendant,         25       Counter Claimant and Third Party Plaintiff City of Eureka ("Eureka"), and Defendant and Third         26       Party Defendant Environmental Resolutions, Inc. ("ERI"), hereby stipulate to:         27       1. Extend the time providing KFD an additional seven days to file and serve an         28       opposition to ERI's motion for summary judgment filed in this action on September 27, 2012 as  | 18 |   | Date: November 16, 2012                           |  |
| <ul> <li>20 CLAIMS</li> <li>21 22 22 22 23 24 25 26 26 27 27 28 26 27 28 27 28 28 28 28 28 28 28 28 28 28 28 28 28</li></ul>   | 19 |   |   |  |
| <ul> <li>Plaintiff, Cross Defendant, Third Party Defendant, Counter Defendant and Counter Claimant</li> <li>KFD Enterprises, Inc. and Third Party Defendant Kenneth Daer (collectively "KFD"), Defendant,</li> <li>Counter Claimant and Third Party Plaintiff City of Eureka ("Eureka"), and Defendant and Third</li> <li>Party Defendant Environmental Resolutions, Inc. ("ERI"), hereby stipulate to:</li> <li>1. Extend the time providing KFD an additional seven days to file and serve an</li> <li>opposition to ERI's motion for summary judgment filed in this action on September 27, 2012 as</li> </ul>  | 20 | CLAIMS  |   |  |
| <ul> <li>Plaintiff, Cross Defendant, Third Party Defendant, Counter Defendant and Counter Claimant</li> <li>KFD Enterprises, Inc. and Third Party Defendant Kenneth Daer (collectively "KFD"), Defendant,</li> <li>Counter Claimant and Third Party Plaintiff City of Eureka ("Eureka"), and Defendant and Third</li> <li>Party Defendant Environmental Resolutions, Inc. ("ERI"), hereby stipulate to:</li> <li>1. Extend the time providing KFD an additional seven days to file and serve an</li> <li>opposition to ERI's motion for summary judgment filed in this action on September 27, 2012 as</li> </ul>  | 21 |   |   |  |
| <ul> <li>KFD Enterprises, Inc. and Third Party Defendant Kenneth Daer (collectively "KFD"), Defendant,</li> <li>Counter Claimant and Third Party Plaintiff City of Eureka ("Eureka"), and Defendant and Third</li> <li>Party Defendant Environmental Resolutions, Inc. ("ERI"), hereby stipulate to:</li> <li>1. Extend the time providing KFD an additional seven days to file and serve an</li> <li>opposition to ERI's motion for summary judgment filed in this action on September 27, 2012 as</li> </ul>   | 22 |   |   |  |
| <ul> <li>Counter Claimant and Third Party Plaintiff City of Eureka ("Eureka"), and Defendant and Third</li> <li>Party Defendant Environmental Resolutions, Inc. ("ERI"), hereby stipulate to:</li> <li>1. Extend the time providing KFD an additional seven days to file and serve an</li> <li>opposition to ERI's motion for summary judgment filed in this action on September 27, 2012 as</li> </ul>  | 23 | Plaintiff, Cross Defendant, Third Party Defendant, Counter Defendant and Counter Claimant                               |   |  |
| <ul> <li>Party Defendant Environmental Resolutions, Inc. ("ERI"), hereby stipulate to:</li> <li>1. Extend the time providing KFD an additional seven days to file and serve an opposition to ERI's motion for summary judgment filed in this action on September 27, 2012 as</li> </ul>  | 24 | KFD Enterprises, Inc. and Third Party Defendant Kenneth Daer (collectively "KFD"), Defendant,                           |   |  |
| <ul> <li>27</li> <li>1. Extend the time providing KFD an additional seven days to file and serve an</li> <li>28 opposition to ERI's motion for summary judgment filed in this action on September 27, 2012 as</li> </ul>   | 25 | Counter Claimant and Third Party Plaintiff City of Eureka ("Eureka"), and Defendant and Third                           |   |  |
| 28 opposition to ERI's motion for summary judgment filed in this action on September 27, 2012 as   | 26 | Party Defendant Environmental Resolutions, Inc. ("ERI"), hereby stipulate to:   |   |  |
| -1-  | 27 | 1. Extend the time providing KFD an additional seven days to file and serve an  |   |  |
|  | 28 | opposition to ERI's motion for summary judgme   | ent filed in this action on September 27, 2012 as |  |
| STIPULATION TO EXTEND TIME; [PROPOSED] ORDER   |    |   |   |  |
| 3:08-CV-4571 MMC Dockets.Justia.   |    |   | 4571 MMC  |  |

document no. 546. Whereas pursuant to Local Rule 7-3, the original deadline to file and serve an
 opposition was October 11, 2012, KFD will now have up to and including October 18, 2012 to file
 its opposition.

2. Extend the time providing Eureka an additional seven days to file and serve an
opposition to ERI's motion for summary judgment filed in this action on September 27, 2012 as
document no. 547. Whereas pursuant to Local Rule 7-3, the original deadline to file and serve an
opposition was October 11, 2012, Eureka will now have up to and including October 18, 2012 to file
its opposition.

3. Extend the time providing ERI additional time to file and serve its respective replies. Whereas pursuant to Local Rule 7-4, a reply memorandum is due seven days after the filing of the opposition, ERI will now have fourteen days after the filing of KFD and Eureka's respective oppositions to file its reply.

The Parties have not previously requested an extension of time.

16 Dated: October 1, 2012

## **GREBEN & ASSOCIATES**

| 17 |                        |  |
|----|------------------------|--|
| 18 |                        | <u>/s/ Jan Greben</u><br>JAN A. GREBEN<br>JEFF COYNER  |
| 19 |                        | Plaintiff, Cross Defendant, Third Party Defendant,   |
| 20 |                        | Counter Claimant KFD ENTERPRISES INC., a<br>California corporation dba Norman's Dry Cleaner; and<br>Third Party Defendant KENNETH DAER |
| 21 |                        | Third Tarty Defendant KENNETTI DAEK  |
| 22 | Dated: October 1, 2012 | GORDON & REES, LLP   |
| 23 |                        |  |
| 24 |                        | <u>/s/ George Acero</u><br>KRISTIN N. REYNA  |
| 25 |                        | GEORGE A. ACERO<br>Defendant and Third Party Defendant   |
| 26 |                        | ENVIRONMENTAL RESOLUTIONS, INC.  |
| 27 |                        |  |
| 28 |                        |  |
|    |                        | -2-  |
|    | STIPULATIC             | DN TO EXTEND TIME; [PROPOSED] ORDER<br>3:08-CV-4571 MMC  |
|    |                        |  |

| 1        | Dated: October 1, 20 | DAVIDOVITZ & BENNETT LLP   |
|----------|----------------------|--|
| 2        |                      | /a/ Charles Deleam   |
| 3        |                      | <u>/s/ Charles Bolcom</u><br>MORIS DAVIDOVITZ<br>CHARLES BOLCOM  |
| 4        |                      | Defendant, Third Party Plaintiff, Counterclaimant                |
| 5        |                      | CITY OF EUREKA   |
| 6        | IT IS HEREBY OR      | DERED.   |
| 7        |                      |  |
| 8        |                      | Maline MA Charmen  |
| 9        | Dated: October 1, 2  | HONORABLE MAXINE M. CHESNE                                       |
| 10       |                      | UNITED STATES DISTRICT JUDGE                                     |
| 11<br>12 |                      |  |
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|          |                      | STIPULATION TO EXTEND TIME; [PROPOSED] ORDER<br>3:08-CV-4571 MMC |
| 1        |                      |  |