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ATTORNEYS FOR DEFENDANTS RICHARD M. MUNOZ, AS
 7 EXECUTOR OF THE WILL OF ROGAN MAL COOMBS,
 DECEASED, AND RICHARD M. MUNOZ, AS AN
 8 INDIVIDUAL

9 UNITED STATES DISTRICT COURT
 10 DISTRICT OF CALIFORNIA

12 MALCOLM COOMBS, JUDITH COOMBS
 JONES, and BARTON COOMBS,

13 Plaintiffs,

14 v.

15 RICHARD M. MUNOZ, as executor of the
 16 will of Rogan Mal Coombs, decesased, and
 RICHARD M. MUNOZ, as an individual,

17 Defendants.
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CASE NO. CV-09-0192-~~EMC~~ JSW

STIPULATION AND ~~[PROPOSED]~~ ORDER
 EXTENDING DEADLINE TO RESPOND
 TO PLAINTIFFS' COMPLAINT

19 WHEREAS, on January 15, 2009, plaintiffs Malcolm Coombs, Judith Coombs Jones, and
 20 Barton Coombs filed a complaint for (1) breach of oral contract, (2) breach of implied in fact
 21 contract, (3) intentional interference with contractual relations, and (4) breach of fiduciary duty
 22 (“Complaint”);

23 WHEREAS, on February 9, 2009, plaintiffs effected service of process upon defendant
 24 Richard M. Munoz, both as executor of the will of Rogan Mal Coombs, deceased and as an
 25 individual;

26 WHEREAS, counsel for plaintiffs and defendant have met and conferred to discuss the
 27 possibility of mediating this matter and related matters filed in the Superior Court of California;
 28

1 NOW, THEREFORE, subject to the Court's approval, plaintiffs and defendant hereby
2 STIPULATE AND AGREE that:

3 1. Defendant who may otherwise be required to file any responsive pleading or
4 motion pursuant to Federal Rule of Civil Procedure 12(b) on or before March 2, 2009, shall be
5 granted an extension to file any such responsive pleading or motion until the earlier of either (1)
6 30 days after the conclusion of mediation discussions or (2) June 30, 2009.

7 2. Nothing in this stipulation shall constitute a waiver or otherwise prejudice any of
8 the parties' substantive or procedural rights or defenses.

9 DATED: MARCH 2, 2009

BERLINER COHEN

11 BY: /s/ CHRISTIAN E. PICONE
FRANK R. UBHAUS
CHRISTIAN E. PICONE
ATTORNEYS FOR DEFENDANTS RICHARD M.
13 MUNOZ, AS EXECUTOR OF THE WILL OF ROGAN
MAL COOMBS, DECEASED, AND RICHARD M.
14 MUNOZ, AS AN INDIVIDUAL

15 DATED: MARCH 2, 2009

17 BY: /s/ WILLIAM A. WINEBERG
WILLIAM A. WINEBERG
ATTORNEYS FOR PLAINTIFFS MALCOLM
19 COOMBS, JUDITH COOMBS JONES AND BARTON
COOMBS

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~~PROPOSED~~ ORDER

Pursuant to the stipulation of the parties and for good cause, it is hereby ordered that:

1. Defendant who may otherwise be required to file any responsive pleading or motion pursuant to Federal Rule of Civil Procedure 12(b) on or before March 2, 2009, shall be granted an extension to file any such responsive pleading or motion until the earlier of either (1) 30 days after the conclusion of mediation discussions or (2) June 30, 2009.

2. Nothing in this stipulation shall constitute a waiver or otherwise prejudice any of the parties' substantive or procedural rights or defenses.

DATED: March 6, 2009

BY:  _____
HONORABLE EDWARD M. CHEN