

1 WILLIAM A. WINEBERG (SBN 54827)  
 BILL@WINEBERGLAW.COM  
 2 SUZANNE KLOTZ (SBN 104593)  
 S\_KLOTZ@COMCAST.NET  
 3 150 POST STREET, SUITE 742  
 SAN FRANCISCO, CA 94108  
 4 TELEPHONE: (415) 434-1200  
 FACSIMILE: (415) 239-6624

5 BRYCE L. LETTERMAN (SBN 152801)  
 BRYCE@LETTERMANLAW.COM  
 6 4425 JAMBOREE ROAD #115  
 NEWPORT BEACH, CA 92660  
 7 TELEPHONE: (949) 261-9500  
 8 FACSIMILE: (949) 612-3802

9 ATTORNEYS FOR PLAINTIFFS,  
 MALCOLM COOMBS, JUDITH COOMBS JONES AND  
 10 BARTON COOMBS

11 UNITED STATES DISTRICT COURT  
 12 NORTHERN DISTRICT OF CALIFORNIA

13 MALCOLM COOMBS, JUDITH COOMBS  
 14 JONES, and BARTON COOMBS,

15 Plaintiffs,

16 v.

17 RICHARD M. MUNOZ, as executor of the will  
 of Rogan Mal Coombs, deceased, and  
 18 RICHARD M. MUNOZ, as an individual,

19 Defendants.

Case No. 3:09-CV-00192-JSW

**STIPULATION AND ~~PROPOSED~~  
 ORDER FOR LEAVE TO FILE SECOND  
 AMENDED COMPLAINT**

Honorable Jeffrey S. White

20  
 21 Plaintiffs seek leave to file a proposed second amended complaint in this action, in which they  
 22 allege new claims and add new defendants, based on facts that have recently come to light in  
 23 discovery in the related action entitled *Coombs Tree Farms, Inc. v. Richard M. Munoz, et al.*,  
 24 presently pending in the Humboldt County Superior Court (Humboldt County Case No. DR090142).  
 25 A copy of plaintiffs' proposed second amended complaint is attached hereto. Counsel for plaintiffs  
 26 and defendants have met and conferred and hereby stipulate and agree that the Court may grant leave  
 27 to plaintiffs to file their proposed second amended complaint forthwith. Counsel further stipulate and  
 28

1 agree that defendant Richard M. Munoz, as executor of the will of Rogan Mal Coombs, deceased,  
2 and as an individual, shall have twenty-one (21) days after service of the second amended complaint  
3 to file and serve his response and the newly added defendants shall have twenty-one (21) days after  
4 service of the summons and second amended complaint to file and serve their responses.

5  
6 Dated: February 28, 2011

WILLIAM A. WINEBERG  
150 POST STREET, SUITE 742  
SAN FRANCISCO, CA 94108  
TELEPHONE: (415) 434-1200  
FACSIMILE: (415) 296-8552  
bill@wineberglaw.com

7  
8  
9  
10  
11 By: /s/ William A. Wineberg  
William A. Wineberg  
12 Attorneys for Plaintiffs Malcolm  
Coombs, Judith Coombs Jones and  
13 Barton Coombs

14 Dated: February 28, 2011

FRANK R. UBHAUS  
fru@berliner.com  
CHRISTIAN E. PICONE  
christian.picone@berliner.com  
BERLINER COHEN  
TEN ALMADEN BOULEVARD  
ELEVENTH FLOOR  
SAN JOSE, CA 95113-2233  
TELEPHONE: (408) 286-5800  
FACSIMILE: (408) 998-5388

15  
16  
17  
18  
19  
20  
21 By: /s/ Frank R. Ubhaus  
Frank R. Ubhaus  
22 Attorneys for Defendants Richard M.  
Munoz, as executor of the will of  
23 Rogan Mal Coombs, deceased, and  
Richard M. Munoz, as an individual  
24  
25  
26  
27  
28

1 Dated: February 28, 2011

I hereby attest that concurrence in the filing of  
the document has been obtained from each of  
the other signatories, which shall serve in lieu  
of their signatures on the document

2  
3  
4  
5 By: /s/ William A. Wineberg  
William A. Wineberg  
6 Attorneys for Plaintiffs Malcolm  
Coombs, Judith Coombs Jones and  
7 Barton Coombs  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**PROPOSED ORDER**

Pursuant to the stipulation of the parties, the Court hereby grants plaintiffs leave to file the proposed second amended complaint attached to Docket No. 82. P attached hereto. Defendant Richard M. Munoz, as executor of the will of Rogan Mal Coombs, deceased, and as an individual, shall have twenty-one (21) days after service of the second amended complaint to file and serve his response and the newly added defendants, Aalfs, Evans & Company, LLP, Scott H. Guild and Richard Daly, Inc., shall each have twenty-one (21) days after service of the summons and second amended complaint to file and serve their responses. **Plaintiffs shall efile a separate copy of the Second Amended Complaint by no later than March 2, 2011.**

IT IS SO ORDERED.

Dated: March 1, 2011

By:   
Honorable Jeffrey S. White  
United States District Court Judge