

Michael S. Kogan (SBN 128500)  
mkogan@ecjlaw.com  
Peter F. Jazayeri (SBN 199626)  
pjazayeri@ecjlaw.com  
**ERVIN COHEN & JESSUP LLP**  
9401 Wilshire Boulevard, Ninth Floor  
Beverly Hills, California 90212-2974  
Telephone (310) 273-6333  
Facsimile (310) 859-2325

Attorneys for Kennedy Funding, Inc.

**UNITED STATES DISTRICT COURT**  
**FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

KENNEDY FUNDING, INC., a New Jersey Corporation,

Plaintiff,

v.

NICHOLAS CHAPMAN, an individual; JIREH EDUCATIONAL MINISTRIES, a California non-profit corporation; NEWPORT AVALON INVESTORS, LLC, a California limited liability company; BRIAN D. EVANS, an individual; MANCEBO CORPORATION, a California Corporation; ARNE WAGNER, an individual; LAWRENCE S. THAL, an individual; REDGE MARTIN, an individual; VANGUARD FINANCIAL LTD., and DOES 1 through 50, Inclusive,

Defendants.

ARNE WAGNER, an individual; LAWRENCE S. THAL, an individual; REDGE MARTIN, an individual; and WAYNE REPICH, an individual;

Counterclaimants

v.

KENNEDY FUNDING, INC., a New Jersey corporation,

Counterclaim-defendant

Case No. C09-01957CRB

~~PROPOSED~~ ORDER CONTINUING  
JOINT CASE MANAGEMENT  
CONFERENCE

Date: October 2, 2009

Place: Courtroom 8, 19<sup>th</sup> Floor

Judge: The Honorable Charles R. Breyer

The Joint Case Management Statement was filed by Plaintiff Kennedy Funding, Inc. ("Kennedy" or "Plaintiff") and Nicholas Chapman ("Chapman"), JIREH Educational Ministries, Inc. ("JIREH"), Newport Avalon Investors LLC ("Newport Avalon", together with JIREH and Chapman, the "Chapman Defendants"), Lawrence S. Thal ("Thal"), Arne Wagner ("Wagner"), Redge Martin ("Martin"), and Vanguard Financial Ltd. ("Vanguard"), together with Thal, Wagner, and Martin, the "Vanguard Defendants"), Brian D. Evans ("Evans") and Mancebo Corporation ("Mancebo," together with Evans, the "Mechanics Lien Defendants") (the Chapman Defendants, Vanguard Defendants, and the Mechanics Lien Defendants are the "Defendants" and the Defendants and the Plaintiff are the "Parties") on September 22, 2009.

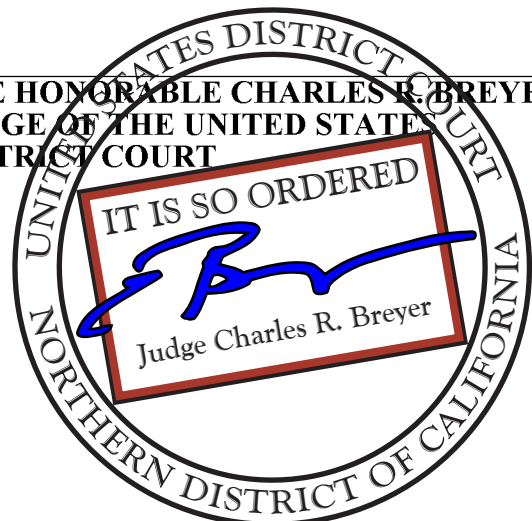
The Court having read and reviewed the Joint Case Management Statement, and recognizing that the Chapman Defendants have filed Motions to Dismiss the Plaintiff's Second Amended Complaint that are currently scheduled for hearing on October 23, 2009, and that the various initial case management deadlines respecting Federal Rule of Civil Procedure 26 and Local Rule ADR compliance are continued until 30 days after the Court rules on these Motions to Dismiss, and the Parties' request to continue the Case Management Conference, until 60 days after the Court enters an Order on the Motions to Dismiss,

**PURSUANT TO THE STIPULATIONS SET FORTH IN THE JOINT CASE MANAGEMENT STATEMENT, IT IS SO ORDERED THAT:**

1. The Case Management Conference currently scheduled for October 2, 2009 at 8:30 a.m. is hereby continued to December 18, 2009 at 8:30 a.m. or October 23, 2009 at 10:00 a.m.

Dated: sept. 22, 2009

THE HONORABLE CHARLES R. BREYER  
JUDGE OF THE UNITED STATES  
DISTRICT COURT



**PROOF OF SERVICE**

STATE OF CALIFORNIA        )  
  )  
COUNTY OF LOS ANGELES    )       ss:

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen (18) years and not a party to the within action. My business address is 9401 Wilshire Boulevard, Beverly Hills, California 90212-2974.

On September 21, 2009, I served the document described as

**[PROPOSED] ORDER CONTINUING JOINT CASE MANAGEMENT  
CONFERENCE**

on counsel for the parties in this action, or on the parties in propria persona, addressed as stated on the attached service list:

☒ BY MAIL: By placing true and correct copies thereof in individual sealed envelopes, with postage thereon fully prepaid, which I deposited with my employer for collection and mailing by the United States Postal Service. I am readily familiar with my employer's practice for the collection and processing of correspondence for mailing with the United States Postal Service. In the ordinary course of business, this correspondence would be deposited by my employer with the United States Postal Service on that same day. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in affidavit.

☐ BY NEXT-DAY DELIVERY: Via Overnight Express. I am readily familiar with my employer's practice for the collection and processing of correspondence via Overnight Express. In the ordinary course of business, this correspondence would be picked up by Overnight Express on that same day.

☐ BY FACSIMILE: I caused such document to be sent via facsimile to the names and facsimile numbers listed above and received confirmed transmission reports indicating that this document was successfully transmitted to the parties named above.

☐ (STATE) I declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct.

☒ (FEDERAL) I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

EXECUTED on September 21, 2009 at Beverly Hills, California.

/s/ Christina O'Meara  
Christina O'Meara

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**SERVICE LIST**

Douglas B. Allen  
Burnett, Burnett & Allen  
333 West San Carlos Street  
8<sup>th</sup> Floor  
San Jose, CA 95110

Attorneys for Nick Chapman and Newport  
Avalon Investors, LLC

Michael J. Ioannou  
Ropers Majeski Kohn & Bentley  
50 West San Fernando Street  
Suite 1400  
San Jose, CA 95113

Attorneys for JIREH

Fred W. Thompson  
King, Snell, Mildwurm & Fox  
39650 Liberty Street, Suite 420  
Fremont, CA 94538

Attorneys for Mancebo Corporation and Brian  
D. Evans

Arne D. Wagner  
Calvo & Clark LLP  
One Lombard Street  
Second Floor  
San Francisco, CA 94111

Attorneys for Vanguard Financial, Ltd., Redge  
Martin, Lawrence Thal, Wayne Repich and  
Arne Wagner