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5 Attorneys for plaintiffs ALAN J. WATSON;
CASH FLOW FINANCIAL, LLC, a Michigan limited
6 liability company; GALVESTON MATRIX
DIVERSIFIED TRUST, an Ohio business trust;
7 and DAVID F. KLIMA, individually and in his
capacity as Trustee of Galveston Matrix
8 Diversified Trust

9
10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12
13 SAN FRANCISCO DIVISION

14 ALAN J. WATSON; CASH FLOW)
15 FINANCIAL, LLC, a Michigan limited)
liability company; GALVESTON MATRIX)
16 DIVERSIFIED TRUST, an Ohio business)
trust; and DAVID F. KLIMA, individually)
17 and in his capacity as Trustee of Galveston)
18 Matrix Diversified Trust,)

19 *Plaintiffs,*)

20 v.)

21 SOLDADO CORPORATION, a California)
corporation; GABRIEL GONZALES, JR.;)
22 JC FUNDING SOLUTIONS, INC. a Min-)
23 nesota corporation; JOSE ISRAEL)
CASTILLO ROBLES; BRIAN J. ENGEL;)
24 BJE, INC., a Minnesota corporation;)
25 and DOES 1 through 10, inclusive,)

26 *Defendants.*)
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Case No. CV-10-1394-(EMC)

STIPULATION AND ~~PROPOSED~~
ORDER RE JOINT APPLICATION
FOR CONTINUANCE OF DEADLINE
FOR FILING OF F. R. Civ. P. 26(f)
REPORT AND CONTINUANCE
OF INITIAL CASE
MANAGEMENT
CONFERENCE

DATE: JULY 14, 2010
TIME: 1:30 PM
ROOM: COURTROOM C
15TH FLOOR

STIPULATION AND ORDER RE JOINT APPLICATION FOR CONTINUANCE OF DEADLINE
FOR FILING OF F. R. Civ. P. RULE 26(f) REPORT AND CONTINUANCE
OF INITIAL CASE MANAGEMENT CONFERENCE

1 Counsel for plaintiffs ALAN J. WATSON; CASH FLOW FINANCIAL, LLC, a
2 Michigan limited liability company; GALVESTON MATRIX DIVERSIFIED TRUST, an
3 Ohio business trust; and DAVID F. KLIMA, individually and in his capacity as Trustee of
4 Galveston Matrix Diversified Trust, and counsel for defendants SOLDADO CORPORA-
5 TION, a California corporation (Soldado) and GABRIEL GONZALEZ, JR. (Gonzalez), he-
6 reby stipulate and agree, and jointly apply to the Court for an order approving their stipula-
7 tion, that the Initial Case Management Conference now scheduled for July 14, 2010 be post-
8 poned for 45 days, and that the other deadlines set forth in the April 1, 2010 Order Setting
9 Initial Case Management Conference be postponed in relation to the new Initial Case Man-
10 agement Conference date to be set by the Court. As grounds for this stipulation and joint ap-
11 plication for a continuance, the parties (as indicated) state the following:
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- 14 1. No party previously has applied for any extension of time on any subject.
- 15 2. Plaintiffs' counsel represents as follows: although defendants Soldado and
16 Gonzalez have entered appearances and answered the complaint, there are A)
17 other defendants who have been served, but who have not yet answered or ap-
18 peared; B) a defendant who is being served by publication, in process; and, C)
19 a defendant who has not yet been located for service of process. Defendants
20 Brian J. Engel (Engel), BJE, Inc. (BJE), and JC Funding Solutions, Inc.
21 (JCFS) are important defendants. BJE and JCFS, both Minnesota corpora-
22 tions, have been served in accordance with Minnesota law as of June 29, 2010
23 (via service upon the Minnesota Secretary of State), and these defendants have
24 time remaining within which to enter appearances and respond to the com-
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1 plaint. Service on defendant Engel by publication is in process in accordance
2 with Minnesota law. Defendant Jose Israel Castillo Robles is a resident of
3 Mexico and has not yet been located for service. The parties therefore have
4 not yet been able to confer effectively regarding initial disclosures, early set-
5 tlement, and discovery plans, or to submit a meaningful F. R. Civ. P. 26(f)
6 Report.
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8 3. Because of the absence of certain defendants, it has not been possible to assess
9 with any reasonable accuracy many of the issues that must be addressed in the
10 parties' JOINT CASE MANAGEMENT STATEMENT, including: potential motions;
11 claims and defenses to be asserted by entering defendants; discovery planning
12 and identification of issues that may require adjudication; and scheduling of
13 pre-trial activities.
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15 4. Defendants Soldado and Gonzalez have provided some informal discovery to
16 plaintiffs, and have indicated that more such informal discovery may be forth-
17 coming, but the parties (both those already appearing and, presumably, those
18 who have been served but not yet entered appearances) need additional time in
19 which to prepare initial disclosures and prepare a proper discovery plan.
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21 WHEREFORE plaintiffs and defendants Soldado Corporation and Gabriel Gonzalez,
22 Jr. request a postponement of the currently scheduled Initial Case Management Conference
23 for approximately 45 days, and the postponement of related deadlines so as to properly relate
24 to the new date for the Initial Case Management Conference.
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1 A proposed order in the form of an endorsement of this stipulation, in accordance
2 with USDC NDCA Local Rule 7-12, is provided below.

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4 DATED: July 12, 2010

5
6 LAW OFFICES OF EDWARD F. MITCHELL

7
8 s/ Edward F. Mitchell

9
10 By _____
11 EDWARD F. MITCHELL
12 EFMLawSF@juno.com

13 Attorney for plaintiffs

14 DATED: July 12, 2010

15 BRIAN W. NEWCOMB, ATTORNEY AT LAW

16 s/ Brian W. Newcomb

17
18 By _____
19 BRIAN W. NEWCOMB
20 brianwnewcomb@gmail.com

21 Attorney for defendants SOLDADO CORPORATION,
22 a California corporation; and GABRIEL
23 GONZALEZ, JR.

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STIPULATION AND ORDER RE JOINT APPLICATION FOR CONTINUANCE OF DEADLINE
FOR FILING OF F. R. Civ. P. RULE 26(f) REPORT AND CONTINUANCE
OF INITIAL CASE MANAGEMENT CONFERENCE

ORDER

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PURSUANT TO STIPULATION, IT IS SO ORDERED. The Case Management Conference is reset for 8/25/10 at 1:30 p.m. A joint CMC statement shall be filed by 8/18/10. Plaintiffs shall served a copy of this order upon all defendants.

Date: July 13, 2010



UNITED STATES DISTRICT
JUDGE/MAGISTRATE

EDWARD M. CHEN
UNITED STATES MAGISTRATE JUDGE