

1 Anna M. Rossi, State Bar No. 106229
2 Andrea Cianfrani, State Bar No. 266054
3 LAW OFFICES OF ANNA M. ROSSI
4 1120 Bailena Blvd., Suite 100
5 Alameda, California 94501
6 Telephone: 510.522.7900
7 Facsimile: 510.522.7909

8 Attorneys for Defendant AGNES KANTERE

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

12 ANDREW NARRAWAY *et al.*,

13 Plaintiffs,

14 v.

15 JAMES D. McCONVILLE *et al.*,

16 Defendants.

Case No. 3:10-cv-02648 VRW

17 STIPULATION AND [PROPOSED] ORDER
18 RE: EXTENSION OF TIME FOR
19 DEFENDANT KANTERE TO RESPOND TO
20 THE COMPLAINT

21 Action Filed: April 30, 2010
22 Judge: The Honorable Vaughn R. Walker
23 Trial Date: None Set

24 **RECITALS**

- 25 1. Plaintiffs Andrew Narraway, Stephen Granat, Diane Granat, John Lundy, Nancy Lundy,
26 John F. Lundy and Nancy A.M. Lundy as Trustees of the 2001 Lundy Family Trust,
27 Gregory Righetti, Christina Righetti, Edward Schreiber, Angela Schreiber, Keith
28 McVaney, Frances Greenspan, and MCapital Funding, LLC, a California limited liability
company (collectively "PLAINTIFFS") filed the above captioned action on April 30,
2010 alleging claims against multiple defendants, including AGNES KANTERE, for 1)
Financial Elder Abuse; 2) Constructive Fraud; 3) Fraud (Fraud in the Inducement,
Misrepresentation & Concealment); 4) Aiding and Abetting; 5) Acquisition and Control of

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STIPULATION AND [PROPOSED] ORDER RE: EXTENSION OF TIME FOR DEFENDANT
KANTERE TO RESPOND TO THE COMPLAINT- Case No. 3:10-cv-02648 VRW

1 Racketeering Enterprise; 6) Conspiracy to Conduct and Participate in Racketeering
2 Enterprise and 7) Negligence.

- 3 2. The case was originally brought in the Superior Court of the State of California, County
4 of Alameda.
- 5 3. On June 16, 2010, the case was removed to the United States District Court for the
6 Northern District of California, San Francisco Division.
- 7 4. Defendant AGNES KANTERE was not served with the Complaint until August 31, 2010.
8 At that time she was served by United States mail.
- 9 5. Defendant AGNES KANTERE has not yet responded to the Complaint.
- 10 6. On July 26, 2010 Defendants Chicago Title Company and on June 23, 2010 Stewart Title
11 of California filed a Motion to Dismiss for the Failure to State a Claim under Federal Rule
12 of Civil Procedure 12(b)(6) for various claims in this action. The Motions were originally
13 scheduled to be heard by the Court on October 7, 2010, however on September 13, 2010
14 the Court vacated the motion hearing date for the motions. It is anticipated that the Court
15 will hear the Motions on December 16, 2010.
- 16 7. On September 9, 2010, PLAINTIFFS filed Plaintiffs' Motion to Amend Complaint to
17 Substitute Named Person for Doe Defendant and to Allege Newly Discovered Facts. The
18 Motion is scheduled to be heard by the Court on December 16, 2010 at 10:00am

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20 **JOINT STIPULATION**

21 IT IS HEREBY STIPULATED by and between the PLAINTIFFS and Defendant AGNES
22 KANTERE that:

- 23 1. PLAINTIFFS have granted an extension of time by which Defendant AGNES KANTERE
24 shall file a responsive pleading to Plaintiffs' Complaint or Plaintiffs' First Amended
25 Complaint (if the Court grants Plaintiffs' Motion to Amend the Complaint), until the later
26 of 21 days after the Court enters a decision on: a) Plaintiffs' Motion to Amend Complaint
27 to Substitute Named Person for Doe Defendant and to Allege Newly Discovered Facts; b)

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Defendant Chicago Title's Motion to Dismiss for the Failure to State a Claim under Federal Rule of Civil Procedure 12(b)(6); or c) Stewart Title's Motion to Dismiss for the Failure to State a Claim under Federal Rule of Civil Procedure 12(b)(6).

Dated: September 15, 2010

By: Andrea C. Cianfrani
ANDREA C. CIANFRANI, Attorney for Defendant
AGNES KANTERE

Dated: September 15, 2010

By: Kyle Van Dyke
KYLE VAN DYKE, Attorney for PLAINTIFFS

IT IS SO ORDERED:

Dated: 9/16/2010

By: Vaughn R Walker
The Honorable Judge Vaughn R Walker
SOUTHERN DISTRICT OF CALIFORNIA