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 13 John G. Rhiel, IV

FILED
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 RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

14 UNITED STATES DISTRICT COURT
 15 NORTHERN DISTRICT OF CALIFORNIA
 16 SAN FRANCISCO DIVISION

17 SONOMA TIRES, INC., a California
 18 Corporation,
 19 Plaintiff,

20 v.

21 BIG O TIRES, LLC, a Colorado Limited
 Liability Company,
 22 Defendant.

) Case No. C 11-0818 RS
)
) **STIPULATION REGARDING**
) **HEARING DATE AND BRIEFING**
) **SCHEDULE FOR PENDING MOTIONS**
) **AND [PROPOSED] ORDER**
)
) [L.R. 7-12]
) **Date: October 11, 2012**
) **Time: 1:30 p.m.**
) **Place: Courtroom 3**

1 Big O Tires, LLC ("Big O"), on the one hand, and Sonoma Tires, Inc. ("Sonoma") and
2 John G. Rhiel, IV ("Rhiel"), on the other hand, (collectively, "Parties") by and through their
3 respective undersigned counsel, hereby stipulate and jointly request that the Court issue an Order
4 as follows:

5 WHEREAS, Big O has filed a Motion for Summary Judgment currently set for hearing
6 on October 11, 2012.

7 WHEREAS, Sonoma has filed a Motion for Partial Summary Judgment currently set for
8 hearing on October 11, 2012.

9 WHEREAS, after filing the above motions, the parties participated in a private mediation
10 on September 14, 2012. At the mediation, a complex settlement proposal was discussed.

11 WHEREAS, Big O requires a reasonable time to evaluate the potential settlement.

12 WHEREAS, the parties do not wish to incur unnecessary litigation costs while Big O
13 evaluates the potential settlement, nor do the parties wish to burden the Court with potentially
14 unnecessary motion practice.

15 WHEREAS, the parties desire and jointly request that the October 11, 2012 hearing on
16 Sonoma's Partial Motion for Summary Judgment and Big O's Motion for Summary Judgment be
17 continued two weeks to October 25, 2012, the deadline for the parties to file and serve
18 Oppositions to the pending motions be continued from September 20, 2012 to October 2, 2012,
19 and the deadline to file and serve a Reply to the respective Oppositions be continued from
20 September 27, 2012 to October 11, 2012.

21 **IT IS THEREFORE STIPULATED AND JOINTLY REQUESTED that:**

- 22 1. The Court order that the October 11, 2012 hearing on Sonoma's Motion for
23 Partial Summary Judgment and Big O's Motion for Summary Judgment be
24 continued two weeks to October 25, 2012.
- 25 2. The Court order that the deadline for the parties to file and serve Oppositions to
26 the pending motions be continued from September 20, 2012 to October 2, 2012.

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1 3. The Court order that the deadline for the parties to file and serve a Reply to the
2 respective Oppositions be continued from September 27, 2012 to October 11,
3 2012.

4 4. All other deadlines remain as set forth the Court's scheduling order.

5 **IT IS SO STIPULATED.**

6
7 SEYFARTH SHAW LLP

8 Dated: September 19, 2012

By /s/ Joseph J. Orzano
Joseph J. Orzano
Attorneys for Big O Tires, LLC

10 LAGARIAS & BOULTER, LLP

11 Dated: September 19, 2012

By /s/ Peter C. Lagarias
Peter C. Lagarias
Attorneys for Sonoma Tires, Inc. and
John G. Rhiel, IV

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14
15 **[PROPOSED] ORDER**

16 **PURSUANT TO STIPULATION, IT IS SO ORDERED,**

- 17 1. The October 11, 2012 hearing on Sonoma's Motion for Partial Summary
18 Judgment and Big O's Motion for Summary Judgment is continued two weeks to
19 October 25, 2012.
- 20 2. The deadline for the parties to file and serve Oppositions to the pending motions
21 is continued from September 20, 2012 to October 2, 2012.
- 22 3. The deadline for the parties to file and serve a Reply to the respective Oppositions
23 is continued from September 27, 2012 to October 11, 2012.
- 24 4. All other deadlines remain as set forth the Court's scheduling order.

25
26
27 Dated: 9/20/2012


The Honorable Richard Seeborg

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