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SCOTTSDALE INSURANCE COMPANY

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SCOTTSDALE INSURANCE COMPANY, ) Case Number: CV 12 1780  
an Ohio Corporation, )

Plaintiff(s), )

vs. )

COAPT SYSTEMS, INC. a Delaware )  
Corporation; ROBERT ELSON, DAVID )  
APFELBERG, LAUREEN DUBUONO, )  
THOMAS KANAR, DAN GRUBMAN, )  
DAVID BARELLA, BADER BELLAHSENE, )  
CHARLOTTE COPELAND, LINDA )  
RUEDY, DAVID GOLDBERG, MADELINE )  
LYELL, all Individuals )

Defendant(s). )

) STIPULATION AND ~~PROPOSED~~ ORDER  
) 1) EXTENDING TIME TO RESPOND TO  
) MOTION FOR PARTIAL SUMMARY  
) JUDGMENT and REPLY THERETO; 2)  
) CONTINUING HEARING OF  
) DEFENDANTS' and  
) COUNTERCLAIMANTS' MOTION FOR  
) PARTIAL SUMMARY JUDGMENT; and 3)  
) ADDING PARTIES AS DEFENDANTS  
) AND AGREEMENT REGARDING  
) EXISTING PLEADINGS; **CONTINUING**  
) **HEARING TO MAY 24, 2013**

By and through their attorneys, Plaintiff Scottsdale Insurance Company ("Scottsdale"), Defendants Robert Elson, David Apfelberg, Lauren DeBuono, Thomas Kanar, Dan Grubman, David Barella, Bader Bellashene, Charlotte Copeland, Linda Ruedy, David Goldberg and Madeline Lyell (collectively, "the Individual Defendants") and Counterclaimants Robert Elson, David Apfelberg, Lauren DeBuono, Thomas Kanar, Dan Grubman, David Barella, Bader Bellashene, Charlotte Copeland, Linda Ruedy, David Goldberg, Madeline Lyell, Lowell Sears and John Krackowsky hereby agree and stipulate as follows:

1 The Individual Defendants and Counterclaimants filed a Motion for Partial Summary  
2 Judgment on April 5, 2013, which said motion was set for hearing on May 10, 2013;

3 That Plaintiff's Opposition to the Motion for Partial Summary Judgment would otherwise  
4 be due on April 19, 2013 in accordance with Local Rule 7-3 (a);

5 That the Reply brief of moving parties would otherwise be due on April 26, 2013 in  
6 accordance with Local Rule 7-3 (c);

7 That due to pre-existing depositions scheduled between April 5 and April 19, 2013 it was  
8 not practical or possible for counsel for Plaintiff to adequately prepare a response to the Motion  
9 for Partial Summary Judgment by April 19, 2013;

10 That the Parties have agreed in the interests of justice that the time for Plaintiff to Oppose  
11 the Motion for Partial Summary Judgment should therefore be extended to April 26, 2013; that  
12 the time for moving parties to file their Reply brief should therefore be extended to May 3, 2013;  
13 and that the hearing date for said motion shall be continued from May 10, 2013 to May 17, 2013;

14 As the pleadings are presently constituted, Counterclaimants Lowell Sears and John  
15 Kraczkowsky are not Defendants. To avoid unnecessary motion practice and expense to the  
16 parties, it is hereby agreed by all parties that Lowell Sears and John Kraczkowsky are deemed  
17 Defendants and that the Answer of the Individual Defendants filed April 5, 2013 shall also be  
18 deemed the Answer of Lowell Sears and John Kraczkowsky.

19 IT IS SO STIPULATED.

20 DATED: April 10, 2013

KAUFMAN DOLOWICH VOLUCK & GONZO LLP

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22  
23 /s/ Joseph J. De Hope, Jr.

Joseph J. De Hope, Jr.

Attorneys for Plaintiff Scottsdale Insurance Company

1 /  
2 DATED: April 10, 2013

Farella Braun + Martel LLP

3  
4  
5 /s/John D. Green

6 John D. Green

7 Attorneys for Individual Defendants Robert Elson, David  
8 Apfelberg, Lauren DeBuono, Thomas Kanar, Dan  
9 Grubman, David Barella, Bader Bellashene, Charlotte  
10 Copeland, Linda Ruedy, David Goldberg and Madeline  
11 Lyell and Attorneys for Counterclaimants Robert Elson,  
12 David Apfelberg, Lauren DeBuono, Thomas Kanar, Dan  
13 Grubman, David Barella, Bader Bellashene, Charlotte  
14 Copeland, Linda Ruedy, David Goldberg, Madeline Lyell,  
15 Lowell Sears and John Kraczkowsky

16 ORDER

17 Pursuant to the Stipulation of Counsel, and for good cause shown, it is hereby ORDERED that  
18 the time for Plaintiff to Oppose the Motion for Partial Summary Judgment is extended to April  
19 26, 2013; that the time for moving parties to file their Reply brief is extended to May 3, 2013;  
20 and the hearing on the Motion for Partial Summary Judgment presently set for May 10, 2013 at  
21 9:00 A.M. is hereby ORDERED continued to <sup>May 24, 2013</sup> ~~May 17, 2013~~ at 9:00 A.M. in Department 7; for  
22 good cause shown, it is hereby FURTHER ORDERED that the pleadings shall be deemed  
23 amended to reflect that Lowell Sears and John Kraczkowsky are Defendants and that the  
24 Answer of the Individual Defendants filed April 5, 2013 shall be deemed the Answer of Lowell  
25 Sears and John Kraczkowsky.

26 DATED: April 16, 2013

27   
HONORABLE MAXINE M. CHESNEY

28 UNITED STATES DISTRICT COURT JUDGE

4846-1340-0083, v. 1