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

12 THREE CROWN APARTMENTS, LLC, a  
 13 Delaware limited liability company,

14 Plaintiff,

15 vs.

16 PNC BANK, a national banking association,

17 Defendant.

Case No. CV 12 3579 EDL

**STIPULATION AND ~~PROPOSED~~  
 ORDER TO EXTEND TIME FOR  
 DEFENDANT TO FILE A REPLY BRIEF  
 IN SUPPORT OF ITS MOTION TO  
 DISMISS**

Date: October 16, 2012

Time: 9:00 a.m.

Crtrm.: E

Fifteenth Floor

450 Golden Gate

San Francisco, CA 94102

Judge: Hon. Elizabeth D. Laporte

Action Filed: July 9, 2012

Trial Date: n/a

1 STIPULATION

2 Pursuant to Local Rule 6-2, Plaintiff Three Crown Apartments, LLC (“Plaintiff”) and  
3 Defendant PNC Bank, N.A. (“Defendant”) by and through their respective counsel, hereby  
4 stipulate and request the Court’s Order that Defendant shall have three more business days to file a  
5 reply memorandum in support of Defendant’s motion to dismiss Plaintiff’s First Amended  
6 Complaint (“FAC”).

7 In support of this stipulation, the parties state the following:

8 1. Defendant filed a motion to dismiss Plaintiff’s FAC on September 6, 2012. The  
9 hearing on the motion is set for October 16, 2012.

10 2. On September 20, 2012, Plaintiff filed its opposition to Defendant’s motion to  
11 dismiss.

12 3. Defendant’s reply in support of its motion to dismiss the FAC is currently due on  
13 September 27, 2012.

14 4. The parties hereby stipulate and request that the Court extend the time for the filing  
15 of Defendant’s reply in support of its motion to dismiss by three business days, to **Tuesday,**  
16 **October 2, 2012.**

17 5. In support of this stipulation and request, Defendant states that significant lawyers  
18 and representatives for and at PNC Bank will be observing Yom Kippur beginning sundown  
19 Tuesday, September 25 and not return to work until the due date of the reply brief on Thursday,  
20 September 27. *See* Declaration of Duane M. Geck In Support of the Parties Stipulated Request  
21 to Extend Time for Defendants to File a Reply Brief (“Geck Decl.”), file concurrently therewith,  
22 ¶¶ 5-6.

23 6. No previous schedule modifications were made in the case, either by stipulation or  
24 by Court Order. Geck Decl. ¶ 7.

25 7. The stipulated request will result in only a minor delay to the briefing schedule, and  
26 will allow the Court two weeks to consider the papers. Geck Decl. ¶ 8.

27 WHEREFORE, the parties stipulate and respectfully request the Court that the time for  
28 Defendant to file a reply memorandum in support of Defendants’ motion to dismiss Plaintiff’s

1 FAC to **October 2, 2012**, and that the hearing date on Defendants' motion to dismiss remain as  
2 set on **October 16, 2012**.

3 **IT IS SO STIPULATED.**

4 DATED: September 24, 2012

SEVERSON & WERSON, P.C.

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By:                               /s/ Duane M. Geck                                
  Duane M. Geck

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Attorneys for Defendant  
PNC, BANK, N.A.

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