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 8 UNITED STATES DISTRICT COURT
 9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 10 SAN FRANCISCO DIVISION

11 STEVEN SIEGAL, JAMES RYBICKI, DAVID)	Case No. 13 Civ. 3570-RS
GROBLEBE, individually and as General Partner)	
12 of GROBCO II, and CHRISTIAN WIPF, ON)	<u>SIXTH STIPULATION AND</u>
BEHALF OF THEMSELVES AND ALL)	<u>PROPOSED ORDER STAYING</u>
13 INDIVIDUALS SIMILARLY SITUATED,)	<u>PROCEEDINGS</u>
)	
14 Plaintiffs,))	
)	
15 vs.)	
)	
16 G. THOMAS GAMBLE, LOREN J. MILLER,)	
HENRY LOWENSTEIN, PAUL W. BATEMAN,)	
17 EDWARD M. GABRIEL, JAMES S. MAYER,)	
BEHROOZ SARAFRAZ, LYNN BLYSTONE,)	
18 ALFRED LOPEZ, MASTON CUNNINGHAM,)	
JOHN DURBIN, GREG BILLINGER, K&L)	
19 GATES LLP, CHARLES A. DALE III, JOSHUA)	
LANE, AND DOES 1 THROUGH 100,)	
20 INCLUSIVE,)	
)	
21 Defendants.))	

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1 WHEREAS, on June 27, 2013, plaintiffs filed a Complaint (the “Complaint”) in the
2 Superior Court of the State of California, County of San Francisco against the named defendants;

3 WHEREAS, on August 1, 2013, the action was timely removed from the Superior
4 Court of the State of California, County of San Francisco, to the United States District Court for
5 the Northern District of California;

6 WHEREAS, all parties have agreed that it is in the best interests of all parties to
7 explore the possibility of consensual resolution and to stay this litigation during that process;

8 WHEREAS, a mediation involving the parties and counsel in this action and in the
9 jointly administered proceedings in the United States Bankruptcy Court for the District of
10 Delaware (Case No. 12-12291 (MFW)) was held on November 12, 2013 (the “November
11 Mediation”);

12 WHEREAS, the November Mediation was productive, but the parties agreed that
13 further mediation sessions would be beneficial, and accordingly subsequent mediation sessions
14 were held on January 8, 2014, and on February 7, 2014;

15 WHEREAS, a number of the parties have reached agreements in principle, and are
16 in the process of finalizing all the terms of their agreements;

17 WHEREAS, the settling parties have been working diligently to finalize the
18 settlement, but have not yet reached final terms due to the complexity of the case and number of
19 parties involved in this action and the Delaware proceedings;

20 WHEREAS, in furtherance of efforts to reach a consensual resolution, the parties
21 previously entered into stipulations to stay proceedings in this action temporarily, while preserving
22 any and all claims, defenses, or other rights they may have, and without prejudice to any party;

23 WHEREAS, the Court previously approved the parties’ prior stipulations (See Doc.
24 Nos. 18, 22, 24, 32), and the most current stay lapsed on April 25, 2014;

25 WHEREAS, the parties believe that a further temporary stay of proceedings is
26 likely to conserve judicial economy and the parties’ resources;

27 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and
28 between and among all parties, subject to the approval of the Court, as follows (the “Stipulation”):

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7. No defenses of any defendant to this action, including without limitation the defense of lack of personal jurisdiction, are prejudiced or waived by the submission of this Stipulation.

Dated: May 5, 2014

SIMPSON THACHER & BARTLETT LLP

By /s/
Simona G. Strauss

Attorneys for Defendants Paul W. Bateman, Greg Billinger, Maston Cunningham, John Durbin, Edward M. Gabriel, Henry Lowenstein, James S. Mayer, and Loren J. Miller

Dated: May 5, 2014

AKERMAN LLP

By /s/
Karen Palladino Ciccone

Attorneys for Defendant Lynn Blystone

Dated: May 5, 2014

COOKE KOBRICK & WU LLP

By /s/
Christopher C. Cooke

Attorneys for Defendants Behrooz Sarafraz and Alfred Lopez

///
///

1 Dated: May 5, 2014

REED SMITH LLP

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By /s/
James Neudecker

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Attorneys for Defendant G. Thomas Gamble

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7 Dated: May 5, 2014

K&L GATES LLP

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By /s/
Charles Tea

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Attorneys for Defendants K&L Gates LLP, Charles
A. Dale III, and Joshua Lane

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13 Dated: May 5, 2014

MARKUN ZUSMAN FRENIERE & COMPTON
LLP

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By /s/
Edward S. Zusman

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Attorneys for Plaintiffs

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ORDER

Pursuant to the parties' stipulation and pursuant to Rule 6-1(a) of the Civil Local Rules, the Court hereby adopts and approves the terms of the parties' stipulation set forth above. This action is stayed until June 20, 2014. The Case Management Conference is continued to September 25, 2014, at 10:00 a.m. A joint Case Management Statement is due on September 18, 2014.

IT IS SO ORDERED.

Dated: 5/7/14



The Honorable Richard Seeborg
United States District Judge