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 7
 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>EIGHTH 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;

11 WHEREAS, the November 12, 2013 mediation was productive, but the parties
12 agreed that further mediation sessions would be beneficial, and accordingly subsequent mediation
13 sessions were held on January 8, 2014, and on February 7, 2014;

14 WHEREAS, a number of the parties (the “Settling Parties”) have reached
15 agreements in principle, and are in the process of finalizing all the terms of their agreements,
16 including procedures whereby proceedings to effectuate the settlement would be addressed first,
17 before proceeding with claims against non-settling defendants;

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

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

24 WHEREAS, the Court previously approved the parties’ prior stipulations (See Doc.
25 Nos. 18, 22, 24, 32, 36), and the most current stay lapsed on September 5, 2014;

26 WHEREAS, the Settling Parties believe that a continued stay will enable them to
27 finalize their settlement and prepare papers to effectuate the settlement, including a motion for
28 preliminary approval to be submitted to this Court;

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

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

- 5 1. The above-captioned action shall be stayed until January 30, 2015;
- 6 2. Defendants’ deadline to file a responsive pleading or a motion to dismiss the
7 Complaint is extended until March 23, 2015;
- 8 3. The Case Management Conference (“CMC”) currently set for December 11, 2014
9 is continued until May 7, 2015. All other deadlines listed in the Order Setting Initial Case
10 Management Conference and ADR Deadlines are continued accordingly;
- 11 4. The fact of this Stipulation shall not be used by any party in arguing against any
12 motion or pleading that may be filed, including responsive pleadings, motions to dismiss
13 the Complaint, or other motions (including, without limitation, motions for transfer or
14 motions for remand), and this Stipulation and the fact of delay due to this stay may not be
15 used in any way in support of or against any motion that may be filed by any party;
- 16 5. This Stipulation shall not act to shorten the time that any party would otherwise
17 have to move or respond pursuant to the Federal Rules of Civil Procedure or any
18 applicable local rules, and shall be without prejudice to any party’s right to seek, and the
19 opposing parties’ right to oppose, an additional extension of time to file or respond; and
- 20 6. No defenses of any defendant to this action, including without limitation the
21 defense of lack of personal jurisdiction, are prejudiced or waived by the submission of this
22 Stipulation.

23 Dated: October 27, 2014

SIMPSON THACHER & BARTLETT LLP

24
25 By /s/
26 Simona G. Strauss

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

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Dated: October 27, 2014

AKERMAN LLP

By /s/
Karen Palladino Ciccone

Attorneys for Defendant Lynn Blystone

Dated: October 29, 2014

By /s/
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Defendant Pro Se

Dated: October 29, 2014

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By /s/
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By /s/
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Attorneys for Defendant G. Thomas Gamble

Dated: October 27, 2014

K&L GATES LLP

By /s/
Charles Tea

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

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Dated: October 27, 2014

MARKUN ZUSMAN FRENIERE & COMPTON
LLP

By /s/
Edward S. Zusman

Attorneys for Plaintiffs

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~~[PROPOSED]~~ **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 January 30, 2015. The Case Management Conference is continued to May 7, 2015, at 10:00 a.m. A joint Case Management Statement is due on April 30, 2015.

IT IS SO ORDERED.

Dated: 11/3/14



The Honorable Richard Seeborg
United States District Judge