



1           **WHEREAS,**

2           1.       The present case involves a property consisting of approximately 5000  
3 acres, that includes over ten buildings,(e.g., hotel rooms, conference rooms, restaurants,  
4 and spa facilities), seven swimming pools and miles of roads and trails (“the Property”);  
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6           2.       Plaintiffs filed their Complaint in this matter on October 22, 2013;

7           3.       Defendants filed their Amended Answer on February 12, 2014;

8           4.       The Property is larger in size than properties typically involved in litigation  
9 that is subject to General Order No. 56;  
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11          5.       The parties conducted a joint site inspection under General Order 56 over  
12 several days in February 2014;

13          6.       In August 2014, the parties stipulated to delay the General Order 56  
14 mediation deadlines to allow for production and analysis of plaintiff’s expert consultant  
15 report on the site inspection, an Order that the Court signed on August 8, 2014, granting  
16 an extension of time to file a Notice of Need for Mediation until November 6, 2014;  
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18          7.       Plaintiffs’ expert consultant produced a written report of 524 pages that  
19 plaintiffs provided to defendants under the mediation privilege on August 8, 2014;  
20

21          8.       Defendants have been working with their own consultants to evaluate the  
22 report but have asked plaintiffs for more time to complete their analysis and respond to  
23 plaintiffs’ demand on injunctive relief; and  
24

25          9.       The parties jointly request the Court extend the deadline for filing a Notice  
26 of Need for Mediation for an additional six weeks, until December 18, 2014. Good  
27 causes exists to extend time to allow the parties to informally negotiate and resolve issues  
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1 informally (including legal and factual issues on which the parties may need to meet and  
2 confer) before involving the ADR unit as required by General Order 56.

3 **WHEREFORE THE PARTIES STIPULATE AND REQUEST AS FOLLOWS:**

4 That the Court set a deadline under General Order 56 that the plaintiff give a  
5 Notice of Need for Mediation on or before December 18, 2014.  
6

7 **CONCURRENCE**

8 In accordance with N.D. Cal. General Order No. 45, the filer of this document hereby  
9 attests that the concurrence to the filing of this document has been obtained from the other  
10 signatory hereto.  
11

12 Dated: October 15, 2014

KATZOFF & RIGGS LLP

13  
14  
15 /s/ Stephen Preonas  
16 KENNETH S. KATZOFF  
17 STEPHEN G. PREONAS  
18 Attorneys for Defendants  
HARBIN HOT SPRINGS; et al.

19 Dated: October 15, 2014

LAW OFFICES OF PAUL L. REIN

20  
21 /s/ Celia McGuinness

22 CELIA MCGUINNESS  
23 Attorneys for Plaintiffs WALTER  
24 DELSON, NICOLE BROWN-BOOKER

25 PURSUANT TO STIPULATION, IT IS SO ORDERED.

26  
27 Date: 10/16/14

  
28  
HON. RICHARD SEEBORG