

1 Jeffrey S. Whittington, Esq./SBN 236028
 jwhittington@kbrlaw.com
 2 KAUFMAN BORGEEEST & RYAN LLP
 23975 Park Sorrento, Suite 370
 3 Calabasas, CA 91302
 Telephone: (818) 880-0992
 4 Facsimile: (818) 880-0993
 Attorney for Defendant,
 5 LANDMARK AMERICAN INSURANCE COMPANY

6
 7 UNITED STATES DISTRICT COURT
 8 NORTHERN DISTRICT OF CALIFORNIA

9
 10 NEWLIFE SCIENCES LLC, JOHN)
 CROSSON, AND C. READ MCLEAN,) Case Number: 3:13-cv-05145-RS
 11)
 12) **PARTIES' SECOND**
 13 Plaintiffs,) **STIPULATION AND ~~[PROPOSED]~~**
 14) **ORDER TO CONTINUE HEARING**
 vs.) **ON PLAINTIFF'S MOTION FOR**
 15 LANDMARK AMERICAN) **PARTIAL SUMMARY JUDGMENT**
 16 INSURANCE COMPANY, a) **AND EXTEND BRIEFING**
 17 corporation,) **SCHEDULE PURSUANT TO**
 18 Defendant.) **LOCAL RULE 6-1(b)**
 19)

20
 21 Pursuant to Civil Local Rule 6-1(b), Defendant Landmark American
 22 Insurance Company ("Landmark"), and Plaintiffs New Life Sciences LLC,
 23 ("NLS"), John Crosson, and C. Read McLean, (collectively, "the Plaintiffs") by
 24 and through their respective counsel of record, hereby stipulate as follows:

- 25
 26 1. WHEREAS, Plaintiffs have filed a Motion for Partial Summary
 27 Judgment (the "Motion") (Docket # 39).
 28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

2. WHEREAS, Plaintiffs’ Motion is presently scheduled to be heard on May 22, 2014, at 1:30 p.m.
3. WHEREAS, pursuant to the Parties’ Stipulation filed on April 22, 2014, Landmark’s Opposition to Plaintiffs’ Motion must be filed and served on or before May 1, 2014.
4. WHEREAS, the Parties have reached a tentative settlement agreement and anticipate finalizing the settlement agreement in the near future.
5. WHEREAS, Plaintiffs agree to withdraw the Motion and dismiss this case upon the Parties’ finalization of the settlement agreement.
6. WHEREAS, given the Parties’ tentative settlement, the Parties, by and through their respective counsel of record, agree to continue the hearing on the Motion to July 10, 2014.
7. WHEREAS, the Parties, by and through their respective counsel of record, agree to extend the briefing schedule such that Landmark must file its Opposition to Plaintiff’s Motion on or before June 20, 2014.
8. WHEREAS, the Parties, by and through their respective counsel of record, agree to extend the briefing schedule so as to allow Plaintiffs until June 27, 2014, to file and serve their Reply in support of Plaintiff’s Motion.
9. WHEREAS, the only other time modifications previously made in this case were the Parties’ Stipulation to Extend Time to Respond to the Initial Complaint (Docket #10), the Parties’ Stipulation to Continue the Case Management Conference (Docket #22), the Parties’ Stipulation to Extend Time to File Answer to Complaint (Docket #31), and the Parties’ Stipulation to Continue Hearing on the Plaintiffs’ Motion and Extend Briefing Schedule (Docket #40).

1 10. WHEREAS, the requested time modification would have the limited
2 effect of continuing the hearing on the Motion, as well as the attendant
3 briefing dates, so as to allow the Parties sufficient time to finalize their
4 settlement agreement.

5
6 NOW, THEREFORE, IT IS HEREBY STIPULATED by and between the
7 Parties, through their respective counsel, that Plaintiffs' Motion for Partial
8 Summary Judgment, now set for May 22, 2014, will be continued to July 10,
9 2014, that Landmark's Opposition to Plaintiffs' Motion for Partial Summary
10 Judgment must be filed and served by June 20, 2014, and that Plaintiffs' Reply in
11 support of the Motion must be filed and served by June 27, 2014.

12
13 Respectfully submitted,

14
15 Dated: April 30, 2014

KAUFMAN BORGEEST & RYAN LLP

16
17 By: /s/ Jeffrey S. Whittington
18 Jeffrey S. Whittington, Esq.
19 Attorneys for Defendant,
20 Landmark American Insurance Company

21 Dated: April 30, 2014

LAW OFFICE OF ANDRE HASSID

22
23 By: /s/ Andre Hassid
24 André Hassid
25 Attorneys for Plaintiffs,
26 Newlife Sciences LLC, John Crosson, and
27 C. Read Mclean
28

1 Dated: April 30, 2014

LAW OFFICES OF DANIEL J. SPIELFOGEL

2
3 By: /s/ Daniel J. Spielfogel
4 Daniel J. Spielfogel
5 Attorneys for Plaintiffs,
6 Newlife Sciences LLC, John Crosson, and
7 C. Read Mclean
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 **IT IS SO ORDERED.**

2 The hearing on Plaintiffs’ Motion for Partial Summary shall be continued to
3 July 10, 2014. Landmark’s Opposition to Plaintiffs’ Motion for Partial Summary
4 shall be filed and served by June 20, 2014 and Plaintiffs’ Reply in support of the
5 Motion for Partial Summary Judgment shall be filed and served by June 27, 2014.

6
7 Dated: 5/7/14



8 The Honorable Richard Seeborg
9 United States District Judge