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 4 HINDS & SHANKMAN, LLP
 Attorneys and Counselors
 5 21515 Hawthorne Blvd., Suite 1150
 Torrance, California 90503
 6 Telephone: (310) 316-0500
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7
 8 Attorneys for Plaintiff, AC 6, LLC,
 a Delaware limited liability company

9
 10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA
 12 SAN FRANCISCO DIVISION

13 AC 6, LLC, a Delaware limited liability
 14 company,
 15 Plaintiff,
 16 vs.
 17 HARBOR MARINA PARTNERS, LLC, an
 Idaho limited liability company; BRIAN J.
 18 CEREGHINO, individually; BRIAN J.
 CEREGHINO AND ELIZABETH A.
 19 CEREGHINO LIVING TRUST DATED
 AUGUST 20, 2002; EDWARD J. DURKIN,
 20 an individual; MARIA MIRENBURG, an
 individual; PATRICK M. CRASE, an
 21 individual; and THEODORA WILNER, an
 individual,
 22 Defendants.

Case No. 3:14-cv-00683-NC

**STIPULATION AND ~~PROPOSED~~
 ORDER TO CONTINUE AS
 HOLDING DATES ONLY HEARINGS
 ON CASE MANAGEMENT
 CONFERENCE AND ATTACHMENT
 MOTION, IN LIGHT OF
 SETTLEMENT OF ACTION
 REACHED AT MEDIATION**

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 25 Plaintiff AC 6, LLC ("Plaintiff") and Defendants HARBOR MARINA
 26 PARTNERS, LLC, BRIAN J. CEREGHINO, BRIAN J. CEREGHINO AND ELIZABETH A.
 27 CEREGHINO LIVING TRUST DATED AUGUST 20, 2002, EDWARD J. DURKIN, MARIA
 28

1 MIRENBURG, and PATRICK M. CRASE (together, "Defendants" and with Plaintiff, the
2 "Parties") by and through their undersigned counsel, and by any Defendant who
3 currently may be appearing *in pro per*, hereby stipulate and agree as follows:
4

5 **RECITALS**

- 6 (1) Plaintiff filed its complaint on February 13, 2014. See Court Docket Item
7 No. 1. Plaintiff filed its Application for Right to Attach Order and for
8 Issuance of Writs of Attachment on March 25, 2014 (hereinafter referred
9 to as the "Attachment Motion"). See Court Docket Item No. 25.
- 10 (2) The Parties filed a Stipulation to: (1) Mediate Dispute; (2) Set Date for All
11 Defendants to Respond to Complaint; (3) Agree to Service of Application
12 for Right to Attach Order and Issuance of Writs of Attachment on Brian J.
13 Cereghino and The Brian J. and Elizabeth A. Cereghino Living Trust; (4)
14 Continue All Dates and Deadlines in the Initial Case Management
15 Scheduling Order; and (5) Continue Hearing Date on Case Management
16 Conference and Attachment Motion on March 26, 2014 (hereinafter
17 referred to as the "First Global Stipulation." See Court Docket Item No.
18 26.
- 19 (3) The Court entered an Order Granting the First Global Stipulation and
20 reset the deadlines originally issued by the Court on April 7, 2014. See
21 Court Docket Item No. 27.
- 22 (4) The Parties engaged in a successful mediation proceeding on April 25,
23 2014 at which time the matter was successfully settled by way of signed
24 settlement agreement.

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1 (5) The Parties seek additional continuances of the Case Management
2 Conference and the hearing on the Attachment Motion as holding dates
3 only, in order to fully document the settlement by way of a more formal,
4 detailed settlement agreement, and proceed with a dismissal of the
5 complaint with prejudice.

6
7 **STIPULATION**

8 Based on the above Recitals, which are incorporated herein by this
9 reference as if set forth in full, the Parties have agreed as follows:

- 10 (1) No Defendant is required to file and serve a response to Plaintiff's
11 Complaint for: 1) Breach of Contract (Loan Agreement and Note); 2)
12 Breach of Guaranty Agreement; 3) Common Counts (hereinafter the
13 "Complaint");
- 14 (2) The Parties are no longer required to meet and confer re: initial
15 disclosures, early settlement, ADR process, and discovery plan by May
16 23, 2014;
- 17 (3) The Parties are no longer required to file an ADR Certification and either
18 a Stipulation to ADR Process or Notice of Need for ADR Phone
19 Conference by May 23, 2014;
- 20 (4) The Parties are no longer required to file a Rule 26(f) Report, complete
21 initial disclosures, or state objection in Rule 26(f) Report, and file a Case
22 Management Statement by May 23, 2014;
- 23 (5) The Case Management Conference, currently scheduled for June 4,
24 2014 at 1:00 p.m., shall be rescheduled approximately 60 days to a later
25 date set by the Court, as a holding date only;
- 26 (6) No party is required to file any response to Plaintiff's Attachment Motion;
27 and

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(7) A hearing on Plaintiff's Attachment Motion currently scheduled for June 4, 2014 at 1:00 p.m., shall be rescheduled approximately 60 days to a later date set by the Court, as a holding date only.

IT IS SO STIPULATED AND AGREED.

DATED: May 17, 2014

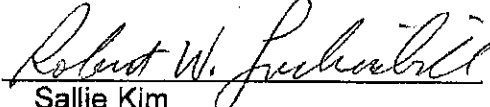
HINDS & SHANKMAN, LLP

By: 
James Andrew Hinds, Jr.
Paul R. Shankman
Brian Yeretjian

Attorneys for Plaintiff
AC 6, LLC

DATED: May 2, 2014

GCA LAW PARTNERS LLP

By: 
Sallie Kim
Robert W. Luckinbill

Attorneys for Defendants
HARBOR MARINA PARTNERS, LLC, BRIAN J. CEREGHINO, BRIAN J. CEREGHINO AND ELIZABETH CEREGHINO LIVING TRUST DATED AUGUST 30, 2002

[SIGNATURES CONTINUE ON NEXT PAGE]

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DATED: May __, 2014

ADLESON HESS & KELLY, A.P.C.

By: _____

Patric Kelly

Attorneys for Defendant
EDWARD DURKIN

DATED: May 06, 2014

MARIA MIRENBURG, *in pro per*

By:  _____

Maria Mirenburg

DATED: May __, 2014

PATRICK M. CRASE, *in pro per*

By: _____

Patrick M. Crase

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[SIGNATURES CONTINUED FROM PREVIOUS PAGE]

DATED: May __, 2014

ADLESON HESS & KELLY, A.P.C.

By: _____
Patric Kelly

Attorneys for Defendant
EDWARD DURKIN

DATED: May __, 2014

MARIA MIRENBURG, *in pro per*

By: _____
Maria Mirenburg

DATED: May 5, 2014

PATRICK M. CRASE, *in pro per*

By: 
Patrick M. Crase

[SIGNATURES CONTINUED FROM PREVIOUS PAGE]

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DATED: May 7, 2014

ADLESON HESS & KELLY, A.P.C.

By: _____

Patric Kelly

Attorneys for Defendant
EDWARD DURKIN

DATED: May __, 2014

MARIA MIRENBURG, *in pro per*

By: _____

Maria Mirenburg

DATED: May __, 2014

PATRICK M. CRASE, *in pro per*

By: _____

Patrick M. Crase

1 **DECLARATION OF BRIAN YERETZIAN**

2 I, Brian Yeretizian, declare as follows:

3 1. I am an attorney duly licensed to practice law before all of the courts of
4 the State of California and the United States District Courts for the Northern,
5 Central, and Southern Districts of California. I am counsel for Plaintiff in the AC 6,
6 LLC v. Harbor Marina Partners, LLC et al. proceeding, Civil Case No.: 3:14-cv-
7 00683-NC. I have personal knowledge in the matters set forth herein and if called
8 and sworn as a witness I could and would testify competently thereto. I make this
9 declaration in compliance with Civil L.R. 6-2(a)(1)-(3).

10 2. Plaintiff filed its complaint for breach of contract, breach of guaranty,
11 and common counts (hereinafter referred to as the "Complaint") against
12 Defendants on February 13, 2014. See Court Docket Item No. 1.

13 3. On March 25, 2014, Plaintiff filed an Application for Right to Attach
14 Order and for Issuance of Writs of Attachment (hereinafter referred to as the
15 "Attachment Motion"). See Court Docket Item No. 25.

16 4. In order to mediate the dispute, the Parties filed a Stipulation to: (1)
17 Mediate Dispute; (2) Set Date for All Defendants to Respond to Complaint; (3)
18 Agree to Service of Application for Right to Attach Order and Issuance of Writs of
19 Attachment on Brian J. Cereghino and The Brian J. and Elizabeth A. Cereghino
20 Living Trust; (4) Continue All Dates and Deadlines in the Initial Case Management
21 Scheduling Order; and (5) Continue Hearing Date on Case Management
22 Conference and Attachment Motion on March 26, 2014 (hereinafter referred to as
23 the "First Global Stipulation." See Court Docket Item No. 26.

24 5. The Court entered an Order Granting the First Global Stipulation and
25 reset the deadlines originally issued by the Court on April 7, 2014. See Court
26 Docket Item No. 27. A true and correct copy of the Order Granting the First Global
27 Stipulation is attached hereto as Exhibit "1" and is incorporated herein by this
28 reference as if set forth in full.

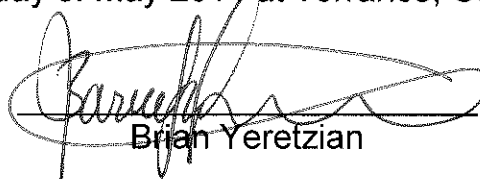
1 6. The Parties engaged in a successful mediation proceeding on April 25,
2 2014 at which time the matter was successfully settled by way of a signed
3 settlement agreement. Plaintiff and Defendants are currently in the process of
4 further documenting the settlement that was reached on April 25, 2014 in a formal,
5 detailed settlement agreement. Once the settlement is fully documented and
6 executed, the Parties anticipate that this dispute will be dismissed with prejudice.
7 For this reason, Plaintiff and Defendants desire that the deadlines relating to: (1)
8 filing and service of an answer to the Complaint by the Defendants; (2) filing and
9 service of an objection to the Attachment Motion by certain Defendants; (3) various
10 meet-and-confer deadlines; (4) filing of Rule 26(f) reports; and (5) filing of a Case
11 Management Statement, be abolished. Additionally, Plaintiff and Defendants
12 request the Court continue the hearing on Plaintiff's Attachment Motion and Case
13 Management Conference, both currently set for June 4, 2014 at 1:00 p.m.,
14 approximately 60 days as holding dates only.

15 7. There has been one previous time modification related to this topic in
16 this case. The Parties filed the First Global Stipulation on March 26, 2014 in order
17 to engage in a mediation of the dispute. The dispute has now been successfully
18 mediated and settled.

19 8. The requested time modifications would have a positive effect on the
20 case, as the parties will be finalizing documentation of the mediation proceeding,
21 which will allow the entire complaint to be dismissed with prejudice as to all parties.
22

23 I declare under penalty of perjury and the laws the United States of America
24 that the foregoing is true and correct.

25 Executed this 12th day of May 2014 at Torrance, California.

26
27 
28 Brian Yeretzian

1 **ORDER**

2 Good cause appearing therefor,

3 **IT IS SO ORDERED.**

4 The Case Management Conference currently scheduled for June 4, 2014 at
5 1:00 p.m. is rescheduled to August 6, 2014 at 1:00 p.m. as a holding date only.

6 Plaintiff's Attachment Motion, filed on March 25, 2014 and set for hearing on
7 June 4, 2014 at 1:00 p.m. is rescheduled to August 6, 2014 at 1:00 p.m. as a
8 holding date only.

9 No Defendant is required to file and serve a response to Plaintiff's
10 Complaint.

11 The Parties are no longer required to meet and confer re: initial
12 disclosures, early settlement, ADR process, and discovery plan.

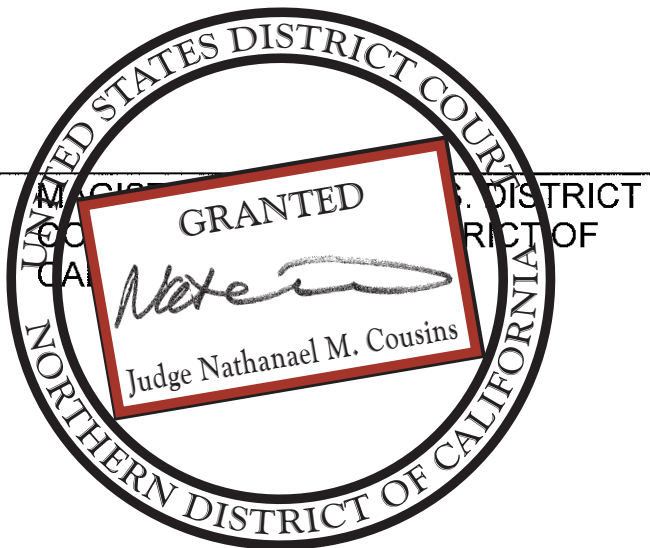
13 The Parties are no longer required to file an ADR Certification and either a
14 Stipulation to ADR Process or Notice of Need for ADR Phone Conference.

15 The Parties are no longer required to file a Rule 26(f) Report, complete initial
16 disclosures or state objection in Rule 26(f) Report, and file a Case Management.

17 No party is required to file any response to Plaintiff's Attachment Motion.

18
19
20 Dated: May 14, 2014

By: _____



1 JAMES ANDREW HINDS, JR. (SBN 71222)
jhinds@jhindsllaw.com
2 PAUL R. SHANKMAN (SBN 113608)
pshankman@jhindsllaw.com
3 BRIAN YERETZIAN (SBN: 278519)
byeretzian@jhindsllaw.com
4 HINDS & SHANKMAN, LLP
Attorneys and Counselors
5 21515 Hawthorne Blvd., Suite 1150
Torrance, California 90503
6 Telephone: (310) 316-0500
Facsimile: (310) 792-5977
7

8 Attorneys for Plaintiff, AC 6, LLC,
a Delaware limited liability company

9
10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 AC 6, LLC, a Delaware limited liability
14 company,
15 Plaintiff

16 v.

17 HARBOR MARINA PARTNERS, LLC, an
18 Idaho limited liability company; BRIAN J.
19 CEREGHINO, individually; BRIAN J.
20 CEREGHINO and ELIZABETH A.
21 CEREGHINO as Trustees of THE BRIAN
22 AND ELIZABETH CEREGHINO LIVING
TRUST DATED AUGUST 30, 2002;
23 EDWARD J. DURKIN, an individual;
24 MARIA MIRENBURG, an individual;
PATRICK M. CRASE, an individual; and
THEODORA WILNER, an individual
Defendants.

CASE NO.: 3:14-cv-00683-NC

CERTIFICATE OF SERVICE

25 I, Michelle Patino-Patroni, declare:

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1 I am employed in the County of Los Angeles, State of California. I am over the
2 age of 18 and not a party to the within action. My business address is 21515 Hawthorne
3 Blvd., Suite 1150, Torrance, California 90503. On March 31, 2014, I served the following
4 document described as:

5 **STIPULATION AND [PROPOSED] ORDER TO CONTINUE AS HOLDING**
6 **DATES ONLY HEARINGS ON CASE MANAGEMENT CONFERENCE AND**
7 **ATTACHMENT MOTION, IN LIGHT OF SETTLEMENT OF ACTION REACHED AT**
8 **MEDIATION**

9 on all other parties to this action by placing a true copy of the above document
10 enclosed in a sealed envelope addressed as follows:

11 **Via U.S. MAIL to the addresses as follows:**

12 Defendant Harbor Marina Partners, LLC

13 Harbor Marina Partners, LLC
14 P.O. Box 2411, Fair Oaks, CA 95628

15 Brian Cereghino
16 Registered Agent
17 Harbor Marina Partners, LLC
18 1835 Garfield Bay Rd., Sagle, ID 83860

19 Brian Cereghino
20 Registered Agent
21 Harbor Marina Partners, LLC
22 24 Blue Haven Ct., Danville, CA 94506-6239

23 Sallie Kim, Esq.
24 Partner
25 GCA Law Partners, LLP
26 2570 W. El Camino Real, Suite 510
27 Mountain View, California 94040
28 Attorney for Defendant Harbor Marina Partners, LLC

Defendant Edwin Durkin

Edwin Durkin
1616 Cunningham Wy., Santa Rosa, CA 95403-2343

1 Patric Kelly, Esq.
Senior Shareholder
2 Adelson Hess & Kelly, APC
577 Salmar Ave, Campbell, CA 95008
3 Attorney for Defendant Edwin Durkin

4 Defendant Maria Mirenburg

5 Maria Mirenburg
1500 Warrensville Center Rd., Apt. 310, Cleveland, OH 44121-2677
6

7 Eric Kennedy, Esq.
Managing Partner
8 Weisman Kennedy & Berris Co., L.P.A.
1600 Midland Building
9 101 Prospect Avenue West
Cleveland, OH 44115
10

11 Defendant Patrick Crase

12 Patrick Crase
30720 Thumper Dr., Shingletown, CA 96088-9603
13

14 Jerrald Pickering II, Esq.
Partner
15 Pickering Law Corporation
1915 Placer Street
16 Redding, CA 96001

17 Defendant Brian Cereghino

18 Brian Cereghino
24 Blue Haven Ct., Danville, CA 94506-6239
19

20 Sallie Kim, Esq.
Partner
21 GCA Law Partners, LLP
2570 W. El Camino Real, Suite 510
22 Mountain View, California 94040
Attorney for Defendant Brian Cereghino
23

24 Defendant the Brian and Elizabeth Cereghino Living Trust Dated August 30, 2002


25 Brian Cereghino
Trustee
26 The Brian and Elizabeth Cereghino Living Trust Dated August 30, 2002
24 Blue Haven Ct., Danville, CA 94506-6239
27

28

1 Sallie Kim, Esq.
2 Partner
3 GCA Law Partners, LLP
4 2570 W. El Camino Real, Suite 510
5 Mountain View, California 94040
6 Attorney for Defendant the Brian and Elizabeth Cereghino Living Trust Dated August 30,
7 2002

8 I declare under penalty of perjury and the laws of the United States of America that
9 the above is true and correct.

10 Executed on May 14, 2014, at Torrance, California.

11 
12 Michelle Patino-Patroni

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