

1 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP  
 A Limited Liability Partnership  
 2 Including Professional Corporations  
 RAYMOND C. MARSHALL, Cal. Bar No. 83717  
 3 rmarshall@sheppardmullin.com  
 SANDRA ZUNIGA NIERENBERG, Cal. Bar No. 250881  
 4 snierenberg@sheppardmullin.com  
 Four Embarcadero Center, 17<sup>th</sup> Floor  
 5 San Francisco, California 94111-4109  
 Telephone: 415.434.9100  
 6 Facsimile: 415.434.3947

7 Attorneys for Non-Party  
 WELLS FARGO & CO.  
 8

9 UNITED STATES DISTRICT COURT  
 10 NORTHERN DISTRICT OF CALIFORNIA

11 **IT IS SO ORDERED AS MODIFIED**

12 MOON MOUNTAIN FARMS, LLC,  
 13 Plaintiff,  
 14 v.  
 15 RURAL COMMUNITY INSURANCE  
 COMPANY,  
 16 Defendant.  
 17

Case No. 3:14-mc-80099-~~WHO~~ SC  
 Action pending in the United States  
 District Court for the District of Arizona  
 (2:13-CV-00349-SRB)

**STIPULATION AND ~~[PROPOSED]~~  
 ORDER ENLARGING TIME FOR  
 BRIEFING AND HEARING DATE  
 FOR PLAINTIFF’S MOTION TO  
 COMPEL COMPLIANCE WITH  
 SUBPOENA AND MOTION TO  
 TRANSFER; SUPPORTING  
 DECLARATION OF RAYMOND  
 MARSHALL**

**[Northern Dist. Local Rule 6-2, 7-12]**

Judge: Hon. William H. Orrick  
 Date: June 4, 2014  
 Time: 2:00 PM  
 Crtrm.: Courtroom 2, 17th Floor

24 **STIPULATION TO EXTEND TIME TO RESPOND TO MOTIONS**

25 Pursuant to Northern District of California Civil Local Rules 6-1(b), 6-2 and  
 26 7-12, Plaintiff Moon Mountain Farms, LLC (“Plaintiff”) and Non-party Wells Fargo & Co.  
 27 (“Wells Fargo”) (collectively the “Parties”), by and through their respective counsel,  
 28

1 hereby stipulate to extend the briefing schedule and hearing date on Plaintiff's Motion to  
2 Compel Compliance with Subpoena and Motion to Transfer (the "Motions") as follows:

3 WHEREAS, the Parties who sign this Stipulation constitute all of the parties  
4 to this proceeding;

5 WHEREAS, on April 4, 2014, Plaintiff filed its Notice of Motion and  
6 Motion to Compel Compliance with Subpoena; Memorandum of Points and Authorities in  
7 Support Thereof and Motion to Transfer;

8 WHEREAS, currently Wells Fargo's Response is due by April 18, 2014,  
9 Plaintiff's Reply is due by April 25, 2014, and the Motions are set to be heard on June 4,  
10 2014, at 2:00 PM;

11 WHEREAS, Sheppard Mullin Richter & Hampton ("Sheppard Mullin") was  
12 retained as local counsel for Wells Fargo for the purpose of responding to the Motions;

13 WHEREAS, Sheppard Mullin was provided with a copy of the Motions on  
14 April 8, 2014;

15 WHEREAS, Wells Fargo has requested an extension of time to oppose the  
16 Motions in order to provide counsel sufficient time to review the case files and respond to  
17 the Motions;

18 WHEREAS, Raymond Marshall, a partner at Sheppard Mullin and lead  
19 counsel for Wells Fargo, will be out of the country on June 4, 2014;

20 WHEREAS, the Parties met and conferred on April 9, 2014, and agree that  
21 this extension of time will not jeopardize the disposition of Plaintiff's Motions or the dates  
22 for the close of discovery, trial date and related deadlines of the underlying action, pending  
23 in the United States District Court for the District of Arizona (2:13-cv-00349-SRB);

24 THE PARTIES DO HEREBY AGREE AND STIPULATE to the following:

25 1. Non-party Wells Fargo shall have until Friday, May 2, 2014, to file its  
26 Response to Plaintiff's Motions;

27 2. Plaintiff shall have until Monday, May 12, 2014, to file its Reply in  
28 support of its Motions; and

Friday, May 30, 2014, at 10:00 AM

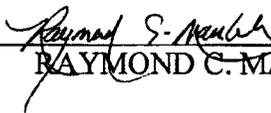
1 3. The Motions shall be heard on ~~Wednesday, May 28, 2014, at 2:00 PM~~ in  
2 Courtroom <sup>1</sup>~~2~~ of this Court, or on the nearest date/time before or after that is convenient for  
3 the Court.

4  
5 Dated: April 11, 2014

6 Respectfully submitted,

7 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

8  
9 By

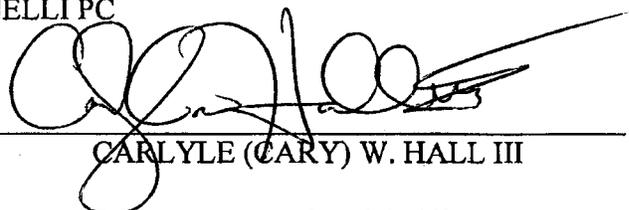
  
RAYMOND C. MARSHALL

Attorneys for Non-Party  
WELLS FARGO & CO.

10  
11  
12  
13  
14 Dated: April 11, 2014

15 POLSINELLI PC

16  
17 By

  
CARLYLE (CARY) W. HALL III

Attorneys for Plaintiff  
Moon Mountain Farms, LLC

1 ~~PROPOSED~~ ORDER

2  
3 PURSUANT TO STIPULATION, IT IS SO ORDERED.

4  
5 DATED: April 15, 2014



12 DECLARATION OF RAYMOND C. MARSHALL

13 I, Raymond C. Marshall, declare:

14 1. I am an attorney duly admitted to practice before this Court. I am a partner  
15 with the law firm of Sheppard Mullin Richter & Hampton, LLP, counsel for Wells Fargo  
16 in this matter. I have personal knowledge of the facts set forth below.

17 2. As set forth in the above Stipulation, Plaintiff Moon Mountain and Non-  
18 party Wells Fargo have stipulated that Wells Fargo shall file its Response to Plaintiff's  
19 Motions on or before May 2, 2014, and Plaintiff shall in turn file its Reply on the Motions  
20 on or before May 12, 2014.

21 3. Wells Fargo retained Sheppard Mullin as local counsel for the purpose of  
22 responding to the Motions. The extension of time for briefing is necessary because  
23 Sheppard Mullin only received the Motions on April 8, 2014. Sheppard Mullin received  
24 additional case files relevant to the Motions on April 8 and 9, 2014. The recency of these  
25 events makes it extremely difficult for counsel to review the files and prepare its Response  
26 prior to the currently-set April 18, 2014, deadline for filing its Response.

27 4. Prior to being retained in this matter and prior to the filing of these Motions,  
28 I long ago committed to travel plans for June 1-15, 2014, which would now be extremely

1 difficult and expensive to reschedule. I will thus be out of the country on June 4, 2014, the  
2 currently-set hearing date for the Motions.

3 5. There have been no prior extensions in this current proceeding. I am  
4 unaware of whether there have been extensions in the underlying action pending in the  
5 United States District Court for the District of Arizona.

6 6. Plaintiff has agreed and represents that the stipulated dates will not adversely  
7 affect the discovery or trial dates in the underlying action.

8 7. I do not believe that the requested extension will have any significant impact  
9 on the schedule for this proceeding or the underlying action.

10 I declare under penalty of perjury under the laws of the United States that the  
11 foregoing is true and correct.

12 Executed on this 11<sup>th</sup> day of April, 2014, at San Francisco, California.

13  
14 By   
15 RAYMOND C. MARSHALL  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28