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Counsel for Plaintiff JD Brothers, LLC

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 13 **UNITED STATES DISTRICT COURT**
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 15 **NORTHERN DISTRICT OF CALIFORNIA**
 16
 17 **SAN FRANCISCO DIVISION**

17 JD BROTHERS LLC, a California Limited
 18 Liability Company
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 Plaintiff,
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 21 LIBERTY ASSET MANAGEMENT
 CORPORATION, NORTH AMERICA ASSET
 22 MANAGEMENT CORPORATION, NORTH
 AMERICA CAPITAL, LLC, NORTH
 23 AMERICA HOLDING CORPORATION,
 BENJAMIN KIRK, aka BENNY KO, aka TZU
 24 PING KO, LUCY GAO, aka XIANG XIN GAO,
 SUNSHINE VALLEY, LLC, HK GRACE
 25 BUILDING LLC, CRYSTAL WATERFALLS
 LLC, HUNTINGTON GIANT CAPITAL
 26 CORPORATION and DOES 1-100,
 27
 Defendants.
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Case No. 3:15-cv-01373-CRB
**STIPULATION AND ORDER RE:
 TAKING MOTIONS TO DISMISS
 OFF CALENDAR AND FILING OF
 AMENDED COMPLAINT**

Dept.: Courtroom 6, 17th Floor
 Hon. Charles R. Breyer

1 **RECITALS**

2 WHEREAS, on March 25, 2015, Plaintiff JD Brothers LLC (“JD Brothers”) filed its
3 complaint in this action and Defendants were served and filed motions to dismiss, which are fully
4 briefed and set for hearing on July 17, 2015;

5 WHEREAS, there is also a Case Management Conference set for July 17, 2015;

6 WHEREAS, the law firm of Cotchett, Pitre & McCarthy LLP was retained after JD
7 Brothers filed its opposition to the motions to dismiss and, on June 15, 2015, the firm filed an
8 Association of Counsel and Notices of Appearance for Joseph W. Cotchett and Nancy L.
9 Fineman; and

10 WHEREAS, at a Rule 26(f) conference on June 19, 2015 and in subsequent
11 communications between the parties, the parties agreed that it would be more efficient for JD
12 Brothers to file an amended complaint than to await the Court’s decision on the pending motions
13 to dismiss, and that the Case Management Conference set for July 17, 2015 should be taken off
14 calendar;

15 **NOW, THEREFORE IT IS HEREBY STIPULATED AND AGREED**, by and among
16 all parties, through their undersigned counsel of record, and subject to the approval of this Court
17 that:

- 18 1. The hearing on Defendants’ motions to dismiss, which is currently set for July 17,
19 2015, be taken off calendar and not decided by this Court;
20 2. Plaintiff’s Amended Complaint may be filed no later than July 27, 2015;
21 3. Defendants’ Responses to the Amended Complaint may be filed no later than August
22 31, 2015;

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1 4. The Case Management Conference currently set for July 17, 2015 be taken off
2 calendar and reset to another date convenient to the Court's calendar.

3 **IT IS SO STIPULATED.**

4
5 Dated: June 24, 2015

/s/ Nancy L. Fineman

Nancy L. Fineman

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15 *Counsel for Plaintiff JD Brothers, LLC*

16 Dated: June 26, 2015

/s/ William Faulkner

William Faulkner

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23 *Attorneys for Defendants Liberty Asset Management*
24 *Corporation, Sunshine Valley, LLC, and*
25 *Benjamin Kirk*

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Dated: June 26, 2015

/s/ George P. Eshoo

George P. Eshoo

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LLC, and North America Holding Corporation*

Dated: June 26, 2015

/s/ Anthony Moshirnia

Anthony Moshirnia

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Building, LLC, Crystal Waterfalls LLC, and
Huntington Giant Capital Corporation*

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ATTESTATION OF FILING

I, Nancy L. Fineman, hereby attest, pursuant to Northern District of California, Local Rule 5-1(i)(3) that concurrence to the filing of this document has been obtained from each signatory hereto.

/s/ Nancy L. Fineman
Nancy L. Fineman

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ORDER

PURSUANT TO STIPULATION OF THE PARTIES AND GOOD CAUSE APPEARING:

1. The hearing on Defendants' motions to dismiss, which is currently set for July 17, 2015, is taken off calendar and the motions will not be decided by this Court;
2. Plaintiff may file an Amended Complaint no later than July 27, 2015;
3. Defendants may respond to the Amended Complaint no later than August 31, 2015;
4. The Case Management Conference currently set for July 17, 2015 is taken off calendar and will be reset to another date convenient to the Court's calendar.

IT IS SO ORDERED.

Date: June 26, 2015.



CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE