

1 David Sturgeon-Garcia. Esq. (State Bar No. 157390)
THE LAW OFFICES OF DAVID STURGEON-GARCIA
 2 1042 Country Club Drive, Suite 1A
 Moraga, CA 94556
 3 Telephone: 925.235.7290
 Facsimile: 925.235.7319

4 Charles D. Marshall (State Bar No. 236444)
 5 **MARSHALL LAW FIRM**
 2121 N. California Blvd., Suite 290
 6 Walnut Creek, CA 92596
 Telephone: (925) 575-7105
 7 Facsimile: (855) 575-7105
 cdm@marshall-law-firm.com

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 9 Attorneys for Respondents Charlotte B.
 Milliner

10 **UNITED STATES DISTRICT COURT**
 11 **NORTHERN DISTRICT OF CALIFORNIA**

13 **BOCK EVANS FINANCIAL COUNSEL,**
 14 **LTD.,**

15 **Petitioner,**

16 v.

17 **CHARLOTTE B. MILLINER,**
 18 **individually and as trustee of the**
Charlotte B. Milliner Trust dated January
 19 **30, 1997**

20 **Respondents.**

Case No.: 15-cv-01926-TEH
MODIFIED
STIPULATION AND [~~PROPOSED~~]
ORDER TO CONTINUE HEARING DATE
AND EXTEND THE DEADLINE FOR
RESPONDENT'S RESPONSE TO, AND
PETITIONER'S REPLY IN SUPPORT OF,
PETITIONER'S VOLUNTARY MOTION
TO DISMISS

Judge: Thelton E. Henderson
 Hearing Date: November 2, 2015
 Hearing Time: 10:00 a.m.

1 Bock Evans Financial Counsel, Ltd. (“Petitioner”) and Charlotte B. Milliner, individually
2 and as trustee of the Charlotte B. Milliner Trust dated January 30, 1997. (“Respondent”),
3 (collectively “the Parties”) by and through their attorneys, hereby stipulate and jointly move as
4 follows, subject to Court approval:

5
6 **WHEREAS**, on September 24, 2015, Petitioner Bock Evans Financial Counsel, Ltd. filed
7 a Motion to Voluntarily Dismiss With Prejudice with a hearing date set for November 2, 2015
8 [Dkt. 16-1];

9 **WHEREAS**, on October 7, 2015, the Parties agreed, and Petitioner filed a notice, to
10 continue the hearing date on the Motion to Voluntarily Dismiss With Prejudice to November 9,
11 2015 at 10:00 a.m. [Dkt. No. 17];

12 **WHEREAS** a further case management conference is currently scheduled for that same
13 date, November 9, 2015, but at 1:30 p.m., and both parties believe it would be most efficient to
14 consolidate the motion to dismiss hearing with the case management hearing on November 9,
15 2015 at 1:30 p.m.;

16
17 **WHEREAS**, under Local Rule 7-3(a), the Respondent’s opposition to the Motion is due
18 on October 8, 2015, and Petitioner’s brief in support of its Motion is due on October 15, 2015;

19 **WHEREAS**, Respondent desires an additional 7 days—or until October 15, 2015—to
20 respond to the issues raised in the Motion, and Petitioner has no objection to such an extension of
21 time;

22
23 **WHEREAS**, Petitioner requests an extension of its deadline to file a reply brief to
24 October 22, 2015, and Respondent has no objection to such an extension of time;

25 **WHEREAS**, this extension will not interfere with the requested continued hearing date of
26 November 9, 2015, or any other matter calendared in this case; the Court will have ample time to
27

1 review the briefs prior to the hearing; no extensions have been requested in relation to the briefing
2 of the Motion to Dismiss; and there has been no trial date set.

3 **NOW, THEREFORE**, the Parties hereby stipulate and respectfully request that the Court
4 (a) continue the hearing date for the Petitioner's Motion to Dismiss to November 9, 2015 at 1:30
5 p.m.; (b) allow Respondent until October 15, 2015, to respond to Petitioner's Motion to
6 Voluntarily Dismiss, and (c) allow Petitioner until October 22, 2015, to allow a reply brief, if
7 necessary.
8

9 **IT IS SO STIPULATED.**

10
11 **Date:** October 8, 2015

12 By: /s/ Chuck Marshall

13 Chuck Marshall
14 **MARSHALL LAW FIRM**
15 2121 N. California Blvd., Ste. 290
16 Walnut Creek, CA 94596
17 Telephone: (925) 575-7105
18 Fax: (855) 575-7105
19 Telephone: (415) 981-4800
20 Facsimile: (415) 981-4846

21 David Sturgeon-Garcia, Esq.
22 **THE LAW OFFICES OF**
23 **DAVID STURGEON-GARCIA**
24 1042 Country Club Drive, Suite 1A
25 Moraga, CA 94556
26 Telephone: 925.235.7290
27 Facsimile: 925.235.7319

28 *Attorneys for Respondent*

By: /s/ Katherine D. DiDinato

Katherine D. DiDinato
SHUSTAK, REYNLODS &
PARTNERS, P.C.
410 West "A" Street, Suite 2250
San Diego, CA 92101
Telephone: (619) 696-9500
Facsimile: (619) 615-5290

Attorneys for Petitioner

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ATTESTATION OF FILING

Pursuant to Local Rule 5-1(i)(3) regarding signatures, I, Chuck Marshall, hereby attest that concurrence in the filing of this Stipulation and [Proposed] Order to Reschedule the Case Management Conference has been obtained from Katherine D. DiDinato with conformed signatures above.

Dated: October 8, 2015

By: /s/ Chuck Marshall

Chuck Marshall
MARSHALL LAW FIRM
2121 N. California Blvd., Suite 290
Walnut Creek, CA 94596
Telephone: (925) 575-7105
Facsimile: (855) 575-7105

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[PROPOSED] ORDER

Pursuant to the parties' stipulation and good cause appearing:

1. The November 2, 2015, hearing date in *Bock Evans Financial Counsel, Ltd. v. Charlotte Milliner*, Case No. 15-CV-01926-TEH, has been continued to November 9, 2105, at 10:00 a.m. ~~1:30 p.m. so as to be consolidated with the Case Management Conference set for that same date and time;~~

2. Respondent's deadline to oppose the Motion to Dismiss be extended through October 15, 2015; and

3. Petitioner's deadline to reply in support of the Motion to Dismiss be extended through October 22, 2015.

IT IS SO ORDERED.

DATED: 10/13, 2015

