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ENERGY CORPORATION OF AMERICA

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7 Counsel Listed on Signature Page]

8  
9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11 SAN FRANCISCO DIVISION

12 RUSSIAN HILL CAPITAL, L.P.,

13 Plaintiff,

14 vs.

15 ENERGY CORPORATION OF AMERICA  
and DOES 1-10,

16 Defendants.  
17

Case No. 3:15-cv-02554-HSG

**STIPULATION AND ORDER  
SETTING BRIEFING SCHEDULE ON  
DEFENDANT'S PLANNED MOTION  
TO DISMISS FIRST AMENDED  
COMPLAINT**

Civil L. R. 7-3

Before the Hon. Haywood S. Gilliam, Jr.

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21 **RECITALS**

22 WHEREAS, Plaintiff Russian Hill Capital, L.P. ("Russian Hill") commenced this action  
23 by filing its Complaint For: (1) Fraud [and] (2) Misrepresentation of Facts – Cal Corp Code §  
24 25501(the "Complaint") on May 5, 2014 in the Superior Court of the State of California, County  
25 of San Francisco;

26 WHEREAS, Russian Hill served the Complaint on Defendant Energy Corporation of  
27 America ("ECA") on May 14, 2015;

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STIP. & [PROPOSED] ORDER RE BRIEFING SCHEDULE  
ON PLANNED MOT TO DISMISS

CASE NO. 3:15-cv-02554- HSG

1 WHEREAS, ECA removed the action to this Court on June 9, 2015, with ECA's filing of  
2 its Notice of Removal;

3 WHEREAS, on June 16, 2015, ECA filed a motion to dismiss the Complaint;

4 WHEREAS, on July 7, 2015, Russian Hill elected not to oppose ECA's motion to dismiss  
5 and instead exercised its right under Fed. R. Civ. P. 15(a)(1)(B) to amend its pleading by filing its  
6 First Amended Complaint For: (1) Fraud, (2) Misrepresentation of Facts – Cal Corp Code §  
7 25501, [and] (3) Violation of Section 14(e) of the Exchange Act (the "First Amended  
8 Complaint");

9 WHEREAS, ECA intends to file a motion to dismiss directed to the First Amended  
10 Complaint (the "Motion");

11 WHEREAS, the parties have conferred concerning a briefing and hearing schedule for the  
12 Motion; and

13 WHEREAS, the parties wish to (a) extend by one week the time specified in Fed. R. Civ.  
14 P. 15(a)(3) for filing the Motion, (b) set a hearing date for the Motion, and (c) modify the briefing  
15 schedule from that normally provided for in Civil L. R. 7-3, on terms that will both accommodate  
16 certain commitments of counsel on other matters and still afford the Court 21 days of preparation  
17 time before the hearing date;

18 THEREFORE, subject to the Court's approval, the parties agree as follows:

19 **STIPULATION**

20 1. ECA shall file its Motion on or before July 28, 2015, and will notice the Motion  
21 for hearing on the Court's regular civil law and motion calendar for September 24, 2015;

22 2. Russian Hill shall file any papers in opposition to the Motion on or before August  
23 20, 2015.

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3. ECA shall file any reply papers on or before September 3, 2015.

Dated: July 13, 2015

VINSON & ELKINS LLP

By: /s/ Michael L. Charlson  
Michael L. Charlson

Attorneys for Defendant  
ENERGY CORPORATION OF AMERICA

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By: /s/ Steven S. Kaufhold  
Steven S. Kaufhold

Attorneys for Plaintiff  
RUSSIAN HILL CAPITAL, LP

**ORDER**

Pursuant to stipulation of the parties and good causing appearing, the briefing and hearing schedule on Defendant Energy Corporation of America's planned motion to dismiss the First Amended Complaint of Plaintiff Russian Hill Capital, L.P., shall be as follows:

1. The motion to dismiss shall be filed on or before July 28, 2015.
2. Any opposition papers shall be filed on or before August 20, 2015.
3. Any reply papers shall be filed on or before September 3, 2015.

Subject to any further order of the Court, the motion to dismiss shall be noticed for hearing as part of the Court's regular law and motion calendar on September 24, 2015.

SO ORDERED.

Dated: July 15, 2015

  
United States District Judge

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Dated: July 13, 2015

Attorneys for Defendant  
ENERGY CORPORATION OF AMERICA

The undersigned certifies that on July 13, 2015, the foregoing document was electronically filed with the Clerk of the Court for the UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA, using Court's Electronic Case Filing (ECF) system. The ECF system routinely sends a "Notice of Electronic Filing" to all attorneys of record who have consented to accept this notice as service of this document by electronic means.

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