

1 SEDGWICK LLP

JAMES P. DIWIK, (State Bar No. 164016)

2 *james.diwik@sedgwicklaw.com*

MARIA GIARDINA, (State Bar No. 104455)

3 *maria.giardina@sedgwicklaw.com*

ALEXANDER A. GUNEY (State Bar No. 308192)

4 *alexander.guney@sedgwicklaw.com*

333 Bush Street, 30th Floor

5 San Francisco, CA 94104-2834

Telephone: 415.781.7900

6 Facsimile: 415.781.2635

7 Attorneys for Defendant BARRY-
WEHMILLER DESIGN GROUP, INC.

8 SHARTSIS FRIESE LLP

9 JOEL ZELDIN (State Bar No. 51874)

jzeldin@sflaw.com

10 ROEY Z. RAHMIL (State Bar No. 273803)

rrahmil@sflaw.com

11 One Maritime Plaza, Eighteenth Floor

San Francisco, CA 94111-3598

12 Telephone: (415) 421-6500

Facsimile: (415) 421-2922

13 AUNE & ASSOCIATES

14 Robert E. Aune (State Bar No. 60477)

raune@auneassociates.com

15 235 Pine Street, Suite 1475

San Francisco, CA 94104

16 Telephone: (415) 433-6400

Facsimile: (415) 651-9825

17 Attorneys for Plaintiff REDWOOD HILL
18 FARM & CREAMERY, INC.

19 **UNITED STATES DISTRICT COURT**

20 **NORTHERN DISTRICT OF CALIFORNIA**

21
22 REDWOOD HILL FARM &
23 CREAMERY, INC.

24 Plaintiff,

25 v.

26 BARRY-WEHMILLER DESIGN
GROUP, INC.,

27 Defendant.

Case No. 3:16-cv-03200-JST

**STIPULATION AND ~~PROPOSED~~
ORDER CONTINUING CASE
MANAGEMENT CONFERENCE
AND OTHER RELATED
DEADLINES**

Hon. Jon S. Tigar

28 83726483v1

- 1 -

Case No. 3:16-cv-03200-JST

STIPULATION AND ~~PROPOSED~~ ORDER CONTINUING CASE MANAGEMENT CONFERENCE AND
OTHER RELATED DEADLINES

10150\001\7809230.v2

Sedgwick^{LLP}

1 Plaintiff Redwood Hill Farm & Creamery, Inc. ("Plaintiff") and Defendant
2 Barry-Wehmiller Design Group, Inc. ("Defendant") (collectively, "the Parties")
3 petition this Court for an order by stipulation pursuant to Civil Local Rules 16-2(d)
4 and (e) and 6-2(a) to continue the Initial Case Management from September 21,
5 2016 to November 9, 2016 and to adjust related deadlines pending the Court's ruling
6 on Plaintiff's Motion to Remand and Defendant's Motion for More Definite
7 Statement.

8 I. Recitals

9 On May 6, 2016, Plaintiff filed a complaint in the above-entitled action in the
10 Superior Court for the State of California, County of Sonoma ("Complaint").

11 On June 10, 2016, Defendant removed the action to the United States District
12 Court for the Northern District of California. (Docket No. 1)

13 On June 17, 2016, Defendant filed a Motion for More Definite Statement,
14 which is scheduled to be heard on September 22, 2016. (Docket Nos. 7 and 19)

15 On June 21, 2016, the Court set the Initial Case Management Conference on
16 September 21, 2016. (Docket No. 11)

17 On June 30, 2016, Plaintiff filed a Motion to Remand, which was scheduled
18 to be heard on August 25, 2016. (Docket Nos. 12 and 19)

19 On August 18, 2016, the Court vacated the August 25, 2016 hearing on
20 Plaintiff's Motion to Remand. (Docket No. 23)

21 The Parties have not sought any prior continuances of the Initial Case
22 Management Conference or related deadlines.

23 II. Grounds for Stipulation

24 The Parties have met and conferred and agree that a continuance of the
25 currently scheduled Initial Case Management Conference on September 21, 2016 to
26 a date after the Court issues its rulings on the pending Motion to Remand and
27 Motion for More Definitive Statement, which is presently scheduled to be heard on
28

1 September 22, 2016, will permit more efficient case management, will serve the
2 interests of judicial economy and will conserve party resources.

3 Specifically, the rulings on the pending motions are determinative and will
4 govern further proceedings in this matter. A ruling as to the appropriate forum
5 raised by the Motion to Remand and a ruling on the certainty of the pleadings raised
6 by the Motion for More Definite Statement are necessary before the Parties may
7 engage in meaningful discussions required by Rule 26(f) and prepare a joint report
8 under Rule 16. Therefore, the Parties seek to continue the Initial Case Management
9 Conference and related deadlines pending the Court's rulings on said motions so
10 they may have sufficient time to fully comply with the requirements of Rule 16.

11 The Parties further agree that it is in the interests of efficient case
12 management to continue pending deadlines under Civil Local Rule 16.8 and ADR
13 Local Rule 3-5 to conform to the date of the continued Initial Case Management
14 Conference.

15 **III. Stipulation**

16 Based on the foregoing, the Parties, by and through their respective counsel of
17 record, hereby stipulate and agree that:

- 18 1. The September 21, 2016 Initial Case Management Conference shall be
19 continued to a date no earlier than November 9, 2106 or another date
20 thereafter that is convenient for this Court;
- 21 2. The deadline for the parties to file a Case Management Statement shall be
22 seven (7) days prior to the date of the continued Initial Case Management
23 Conference; and
- 24 3. Compliance with the procedures under Civil Local Rule 16-8 and ADR
25 Local Rule 3-5 shall be governed by the date of the continued Case
26 Management Conference.

1 **IT IS SO STIPULATED:**

2
3 DATED: August 30, 2016 SEDGWICK LLP

4
5
6 By: /s/ Maria J. Giardina
7 Maria J. Giardina
8 Attorneys for Defendant
9 BARRY-WEHMILLER DESIGN
10 GROUP, INC.

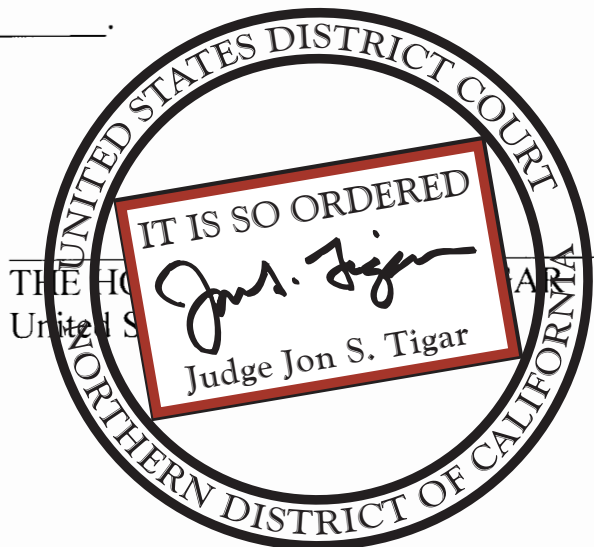
11
12
13 DATED: August 30, 2016 SHARTSIS FRIESE LLP

14 By: /s/ Joel Zeldin
15 Joel Zeldin
16 Attorneys for Plaintiff
17 REDWOOD HILL FARM &
18 CREAMERY, INC.

19 **PURSUANT TO STIPULATION, IT IS SO ORDERED**

20 **IT IS FURTHERED ORDERED** that the Case Management Conference be
21 continued to November 16, 2016.

22 DATED:



1 **ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1**

2 I, Maria J. Giardina, attest that concurrence in the filing of this Stipulation to
3 Continue the Initial Case Management Conference and Other Pleading Deadlines
4 (L.R. 6-2(a)) has been obtained from the other signatory. I declare under penalty of
5 perjury under the laws of the United States of America that the foregoing is true and
6 correct.

7 Executed this 30th day of August, 2016, in San Francisco, California.

8
9 SEDGWICK LLP

10
11 By: /s/ Maria J. Giardina
12 Maria J. Giardina
13 Attorneys for Defendant
14 BARRY-WEHMILLER DESIGN
15 GROUP, INC.
16
17
18
19
20
21
22
23
24
25
26
27
28