

1 Alan M. Mirman, Esq., State Bar No. 66883
 2 Michael E. Bubman, Esq., State Bar No. 143468
 3 Scott C. Timpe, Esq., State Bar No. 278529
 4 MIRMAN, BUBMAN & NAHMIAS, LLP
 5 21860 Burbank Boulevard, Suite 360
 6 Woodland Hills, California 91367
 7 Telephone: (818) 451-4600
 8 Facsimile: (818) 451-4620
 9 Email: amirman@mbnlawyers.com
 10 mbubman@mbnlawyers.com
 11 stimpe@mbnlawyers.com

12 Attorneys for Respondent,
 13 Associated Third Party Administrators

14 **UNITED STATES DISTRICT COURT**
 15 **NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

16 RICHARD STIERWALT,
 17
 18 Petitioner,

19 v.

20 ASSOCIATED THIRD PARTY
 21 ADMINISTRATORS, et al.
 22 Respondent.

Case No. 3:16-mc-80059-EMC

STIPULATION TO CONTINUE MOTION OF ASSOCIATED THIRD PARTY ADMINISTRATORS TO ALTER, AMEND AND/OR RECONSIDER JUDGMENT PURSUANT TO F.R.C.P. RULE 59(e), OR IN THE ALTERNATIVE, FOR RELIEF FROM JUDGMENT PURSUANT TO F.R.C.P. RULE 60(b)(6);

DECLARATION OF ALAN M. MIRMAN RE SIGNATORY'S CONCURRENCE IN ELECTRONIC FILING;

~~**[PROPOSED]**~~ **ORDER RE STIPULATION**

Petition Filed: April 20, 2016

Hearing: July 28, 2016 at 1:30 p.m.
 Crtrm.: 5, 17th Floor
 Judge: Hon. Edward M. Chen

23 Respondent ASSOCIATED THIRD PARTY ADMINISTRATORS ("ATPA") and Petitioner
 24 RICHARD STEIRWALT ("Stierwalt"), through their respective counsel undersigned, stipulate as set
 25 forth herein:

26 **RECITALS**

27 A. On May 24, 2016, the Court entered in the above-captioned action its Order Re Third-

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3:16-mc-80059-EMC: Stipulation to continue Motion to Alter or Amend Judgment Pursuant To FRCP Rule 59, or Alternatively, Relief From Judgment Pursuant to FRCP Rule 60; and Order thereon

1 Party Claim Of Security Interest (the "Original Order") [Docket No. 23] and a Judgment (the
2 "Original Judgment") [Docket No. 24], adjudicating the third-party claim (the "Third-Party Claim")
3 of CAMOFI Master LDC and CAMHZN Master LDC in favor of Stierwalt.

4 B. On May 25, 2016, the Court entered a Corrected Order Re Third-Party Claim Of
5 Security Interest (the "Corrected Order") [Docket No. 25], and a corrected Judgment [Docket No. 26]
6 which referred to the Corrected Order instead of the Original Order as the basis therefor.

7 C. On June 22, 2016 ATPA filed a Motion to Alter, Amend and/or Reconsider Judgment
8 Pursuant to F.R.C.P. Rule 59(e), or in the Alternative, for Relief from Judgment Pursuant to F.R.C.P.
9 Rule 60(b)(6) (the, "Motion") and set the hearing for its Motion for July 28, 2016 at 1:30 p.m.

10 D. Counsel for Stierwalt has advised counsel for ATPA that the former will be out of
11 state on July 28, 2016 and has asked for a short continuance of the Court's hearing on the Motion to
12 accommodate the travel schedule of counsel for Stierwalt, with no change in the parties' briefing
13 schedule. Counsel for ATPA has agreed to the requested continuance.

14 STIPULATION

15 Based on the foregoing recitals, the parties through their respective counsel undersigned
16 hereby stipulate to continue the hearing on ATPA's Motion to Alter, Amend, and/or reconsider
17 Judgment Pursuant to F.R.C.P. Rule 59(e), or in the Alternative, for Relief from Judgment Pursuant
18 to F.R.C.P. Rule 60(b)(6) from **July 28, 2016** to **August 4, 2016** at 1:30 p.m. or soon thereafter as the
19 Court may schedule per further conference between the Court, Stierwalt, and ATPA. The parties'
20 briefing deadlines in connection with the Motion remain as currently scheduled.

21 Dated: July 6, 2016

DONAHUE FITZGERALD LLP

22 By: /s/ Eric A. Handler
23 Attorneys for Petitioner, Richard Stierwalt

24 Dated: July 6, 2016

MIRMAN, BUBMAN & NAHMIAS, LLP

26 By: /s/ Alan M. Mirman
27 Attorneys for Respondent, Associated Third Party
28 Administrators

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1 **DECLARATION OF ALAN M. MIRMAN**

2 I, Alan M. Mirman, declare:

3 1. I am an attorney at Mirman, Bubman & Nahmais, LLP, attorneys of record in the
4 above-captioned action for respondent Associated Third Party Administrators. I am admitted to
5 practice law before this Court. I have personal knowledge of the matters set forth herein and if called
6 as a witness could and would competently testify thereto.

7 2. This declaration is filed pursuant to Civil L.R. 5-1(i)(3) in support of the parties'
8 stipulation set forth above (the "**Stipulation**").

9 3. I have obtained concurrence in the parties' filing of the Stipulation in this action from
10 Eric A. Handler, one of the attorneys of record in this action for petitioner Richard Stierwalt, and Mr.
11 Handler's electronic signature is given in the Stipulation in accordance with his concurrence.

12 I declare under penalty of perjury under the laws of the State of California and the United
13 States of America that the foregoing is true and correct and that this declaration has been executed on
14 July 6, 2016 in Woodland Hills, California.

15 /s/ Alan M. Mirman
16 Alan M. Mirman

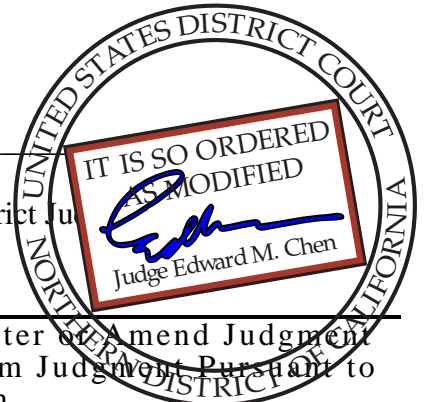
17 **ORDER**

18 Based on the foregoing Stipulation of the parties, and good cause appearing therefore, it is
19 hereby ordered that the Court's hearing on the Motion of Respondent Associated Third Party
20 Administrators to Alter, Amend, and/or Reconsider Judgment Pursuant to F.R.C.P. Rule 59(e), or in
21 the Alternative, for Relief from Judgment Pursuant to F.R.C.P. Rule 60(b)(6) is continued from **July**
22 **28, 2016** to August 4, 2016 at 1:30p.m. The briefing deadlines remain as
23 currently scheduled.

24 PURSUANT TO STIPULATION, IT IS SO ORDERED.

25 Dated: 7/7/16

26 Edward M. Chen,
27 United States District Judge



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