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 13 ABDO TRUS DATED JUNE 11, 2014, and
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 14 ABDO TRUST DATED MARCH 15, 1976

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 PETERS, and SOUHEIL S. BADRAN

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

18 JOHN E. ABDO, as Trustee of the JOHN E.)
 ABDO TRUS DATED JUNE 11, 2014, and)
 19 JOHN E. ABDO, as Trustee of the JOHN E.)
 ABDO TRUST DATED MARCH 15, 1976,)

20 Plaintiffs,)

21 v.)

22 MICHAEL R. FITZSIMMONS, PETER LAI,)
 23 CHRISTOPHER G. POWER, PETER J.)
 GOETNER, CHRISTIAN BORCHER,)
 24 ERNEST D. DEL, MARC S. YI, JAMES C.)
 PETERS, and SOUHEIL S. BADRAN,)

25 Defendants.)
 26)

Case No. 17-cv-00851 EDL
 [Related Case No. 17-cv-1232 EDL]

**JOINT STIPULATION TO: (1)
 EXTEND TIME IN WHICH TO FILE
 RESPONSIVE PLEADING, (2)
 EXTEND BRIEFING SCHEDULE ON
 MOTION TO DISMISS, AND (3) TO
 CONTINUE INITIAL CASE
 MANAGEMENT CONFERENCE;
 [PROPOSED] ORDER**

1 Pursuant to Fed. R. Civ. P. 6(b)(1) and Civil L.R. 6-1, 6-2, and 7-12, the parties to the
2 above-entitled action, by and through their undersigned counsel, hereby stipulate and agree as
3 follows:

4 WHEREAS, on February 21, 2017, Plaintiffs filed their Complaint for Violation of
5 Federal Securities Laws, Intentional Misrepresentation, and Negligent Misrepresentation (the
6 “Complaint”) (Dkt. 1);

7 WHEREAS, on February 21, 2017, the Court issued its Initial Case Management
8 Scheduling Order with ADR Deadlines, setting an initial Case Management Conference
9 (“CMC”) for May 23, 2017;

10 WHEREAS, on March 15, 2017, the Court entered its order relating the case entitled
11 Rising Tide I, LLC, et al. v. Michael Fitzsimmons, et al, filed in this Court and bearing Case
12 Number 4:17-cv-1232 KAW (the “Related Case”) to this case (Dkt. 11);

13 WHEREAS, all Defendants in this action are also named defendants in the Related Case,
14 (Related Case Dkt. 1);

15 WHEREAS, counsel for Defendants represents all Defendants in this case;

16 WHEREAS, Defendants have been served with the summons and Complaint;

17 WHEREAS, the parties have met and conferred in good faith, and have agreed to
18 stipulate under Civil L.R. 6-1(a) and (b) to a filing and briefing schedule for Defendants’
19 response to the Complaint as set forth below;

20 WHEREAS, because of the complexity of the issues raised in this case and the Related
21 Case, and the right of each individual Defendant in this case and the Related Case to litigate his
22 or her individual defenses to the claims asserted in this case and the Related Case, counsel for
23 Defendants—while cognizant of the overlapping factual and legal issues—anticipates submitting
24 multiple responsive pleadings to address individual issues and defenses in both this case and the
25 Related Case (Declaration of Giovanna Ferrari (“Ferrari Decl.”) ¶ 3, filed concurrently herewith);

26 WHEREAS, extending the deadline for filing a response to the Complaint and for any
27 subsequent briefing necessitated by Defendants’ response to the Complaint will allow for a more
28 complete and orderly presentation of the individual and overlapping complex legal and factual

1 issues the Court will need to resolve, and the schedule proposed aligns the schedule proposed for
2 this action with the schedule proposed in the Related Case, (Id. ¶ 4);

3 WHEREAS, the parties, in the interest of judicial economy and efficiency, wish to avoid
4 the unnecessary expenditure of judicial resources and costs associated with the parties'
5 appearance at the currently scheduled Initial CMC, before the parties have had an opportunity
6 meaningfully to evaluate and address any issues raised by Defendants' response to the Complaint
7 (Id. ¶ 5); and

8 WHEREAS, neither party has previously sought any time modification in the case,
9 whether by stipulation or Court order, and, other than the parties' request that the Court continue
10 the currently scheduled Initial CMC, the requested time modifications will have no effect on the
11 schedule for the case (Id. ¶ 6);

12 NOW THEREFOR, the parties hereby stipulate and agree that:

- 13 (1) Defendants shall have an extension of time, up to and including, **May 19, 2017**, in
14 which to answer, move, or otherwise respond to the Complaint; and
- 15 (2) Defendants shall notice any and all responsive motion(s) for hearing on **July 25,**
16 **2017**, or the first available date thereafter, convenient to the Court on which the
17 Court may hear any such motion(s); and
- 18 (3) Plaintiffs shall file their opposition to any responsive motion(s) filed by
19 Defendants on or before **June 16, 2017**; and
- 20 (4) Defendants shall file their reply in support of any responsive motion on or before
21 **July 7, 2017**

22 The Parties FURTHER STIPULATE AND AGREE and respectfully request that the
23 Court continue the currently scheduled Initial CMC to **July 25, 2017**, to coincide with the
24 hearing on any responsive motion(s) filed by Defendants, or the first date that is convenient for
25 the Court thereafter.

26 IT IS SO STIPULATED.
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DATED: April 4, 2017

STEARNS WEAVER MILLER WESSLER
ALHADEFF & SITTERSON PA

By /s/ Jason P. Hernandez
Eugene E. Stearns
Jason P. Hernandez

TAYLOR & PATCHEN, LLP
Jonathan A. Patchen
Max Baba Twine

Attorneys for Plaintiffs

DATED: April 4, 2017

SEYFARTH SHAW LLP

By /s/ Aaron Belzer
Giovanna A. Ferrari
Gregory A. Markel
Heather E. Murray

Attorneys for Defendants

Filer’s attestation: Pursuant to Civil L.R. 5-1(i)(3) regarding signatures, Aaron Belzer hereby attests that concurrence in the filing of this document has been obtained from each of the other signatories.

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~~PROPOSED~~ ORDER

Having reviewed the Stipulation of the parties and their attorneys of record, and good cause appearing therefor:

IT IS HEREBY ORDERED that, pursuant to the parties' stipulation:

- (1) Defendants shall have an extension of time, up to and including, **May 19, 2017**, in which to answer, move, or otherwise respond to the Complaint; and
- (2) Defendants shall notice any and all responsive motion(s) for hearing on **July 25, 2017**, or the first available date thereafter on which the Court may hear any such motion; and
- (3) Plaintiffs shall file their opposition to any responsive motion(s) filed by Defendants on or before **June 16, 2017**; and
- (4) Defendants shall file their reply in support of any responsive motion(s) on or before **July 7, 2017**; and
- (5) The Initial Case Management Conference currently set for May 23, 2017 shall be continued to July 25, 2017.

IT IS SO ORDERED

DATED: April 5, 2017



 HON. ELIZABETH D. LAPORTE
 UNITED STATES MAGISTRATE JUDGE

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