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 LLC

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 12 GOETNER, CHRISTIAN BORCHER,
 ERNEST D. DEL, MARC S. YI, JAMES C.
 13 PETERS, SOUHEIL S. BADRAN

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

17 RISING TIDE I, LLC; RISING TIDE II, LLC,)
 18)
 Plaintiffs,)

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

19 v.)

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

20 MICHAEL R. FITZSIMMONS, PETER LAI,)
 21 CHRIS G. POWER, PETER J. GOETTNER,)
 CHRISTIAN BORCHER, ERNEST D. DEL,)
 22 MARC S. YI, JAMES C. PETERS, SOUHEIL)
 S. BADRAN; and DAVID COWAN,)

23 Defendants.)
 24)
 25)
 26)

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 March 8, 2017, Plaintiffs filed their Complaint against Defendants (the
5 “Complaint”);

6 WHEREAS, on March 9, 2017, the Court issued its Initial Case Management Scheduling
7 Order with ADR Deadlines, setting an initial Case Management Conference (“CMC”) for June 6,
8 2017;

9 WHEREAS, on March 15, 2017, the Court entered its order relating this case to the case
10 entitled John E. Abdo, et al. v. Michael Fitzsimmons, et al, filed in this Court and bearing Case
11 Number 3:17-cv-00851 EDL (the “Related Case”) (Dkt. 9);

12 WHEREAS, nine out of the ten Defendants in this action are also named defendants in
13 the Related Case, (Related Case Dkt. 1);

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

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

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

24 WHEREAS, extending the deadline for filing a response to the Complaint and for any
25 subsequent briefing necessitated by Defendants’ response to the Complaint will allow for a more
26 complete and orderly presentation of the individual and overlapping complex legal and factual
27 issues the Court will need to resolve, and the schedule proposed aligns the schedule proposed for
28 this action with the schedule proposed in the Related Case, (Id. ¶ 4);

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

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

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

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

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

24 IT IS SO STIPULATED.
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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 responsive motion 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 filed by Defendants on or before **June 16, 2017**; and
- (4) Defendants shall file their reply in support of any responsive motion on or before **July 7, 2017**; and
- (5) The 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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