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8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA

10 Raul Barreto, Plaintiff,)	Case Number 17-1483 JSC
11 vs,)	
12 Kim Chang Nyun, et al., Defendants.)	STIPULATION AND PROPOSED ORDER
)	TO EXTEND TIME UNDER F.R.C.P. 12(f)
)	
)	

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 14 TO THE CLERK OF THE ABOVE-ENTITLED COURT AND TO ALL PARTIES AND THEIR
 15 RESPECTIVE ATTORNEYS OF RECORD:

16 WHEREAS, this case has been assigned for early disclosures and mediation under General
 17 Order 56, and the parties to this stipulation want to make best efforts to settle this case without
 18 unnecessary litigation; and

19 WHEREAS, Defendants Kiman Moon and Jeung Sun Moon (“Defendants”) filed their
 20 answer on June 1, 2017, and therefore Plaintiff’s deadline for filing a motion under FRCP 12(f) to
 21 strike insufficient defenses from the answer of Kiman Moon and Jeung Sun Moon is June 22,
 22 2017 (i.e. 21 days later); and

23 WHEREAS, Plaintiff and Defendants have been unable to resolve their disagreements about
 24 Defendants’ answer informally, however, they wish to avoid the necessity of Plaintiff filing a Rule
 25 12(f) motion unless/until mediation pursuant to General Order No. 56, Paragraph 7 does not
 26 succeed;

27 THEREFORE:

28 IT IS HEREBY STIPULATED by and among Plaintiff and defendants Kiman Moon and
 Jeung Sun Moon, that the deadline for Plaintiff to file any motion with respect to the answer filed
 by Kiman Moon and Jeung Sun Moon under Federal Rule of Civil Procedure 12(f) be extended to

1 21 days past the date that the mediator certifies that the mediation under General Order 56 has
2 been completed. It is also stipulated that (1) Plaintiff and these defendants Kiman Moon and Jeung
3 Sun Moon shall meet and confer within seven (7) days after the mediation has been certified as
4 completed; (2) that these Defendants shall thereafter be allowed an opportunity to voluntarily
5 amend their answer prior to Plaintiff filing any rule 12(f) motion; (3) that any amended answer
6 shall be filed no later than seven (7) days after Plaintiff and defendants Kiiman Moon and Jeung
7 Sun Moon meet and confer.

8 Law Offices of Richard A. Mac Bride

9 Richard Mac Bride /s/ Richard A. Mac Bride Date: June 7, 2017

10 Attorney for Plaintiff Raul Barreto

11
12 McNamara, Ney, Beatty et al.

13 Nolan S. Armstrong /s/ Nolan S. Armstrong Date: June 7, 2017

14 Attorney for defendants Kiman Moon and Jeung Sun Moon

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16 FILER'S ATTESTATION

17
18 Pursuant to General Order 45, Section X(B), I hereby attest that on June 7, 2017, I, Richard A. Mac
19 Bride, the attorney of record for plaintiff herein, received the concurrence of attorney Nolan S.
20 Armstrong, attorney for defendants Kiman Moon and Jeung Sun Moon, in the filing of this
21 document.

22
23 /s/ Richard A. Mac Bride

24 Richard A. Mac Bride

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ORDER

Pursuant to the stipulation of Plaintiff Raul Barreto and defendants Kiman Moon and Jeung Sun Moon, and for good cause shown, it is hereby ORDERED, that the deadline for plaintiff to file any motion under Federal Rule of Civil Procedure 12(f) be extended to 21 days past the date that the mediator certifies that mediation under General Order 56 has been completed. Plaintiff and defendants Kiman Moon and Jeung Sun Moon shall meet and confer within seven (7) days after the mediation has been certified as being completed. Kiman Moon and Jeung Sun Moon shall thereafter have an opportunity to voluntarily amend their answer prior to plaintiff filing any Rule 12(f) motion with respect to the answer filed by Kiman Moon and Jeung Sun Moon. Any amended answer shall be filed no later than seven (7) days after the parties meet and confer.

IT IS SO ORDERED.

Date: June 9, 2017, 2017



Joseph C. Spero

United States Magistrate Judge