

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA

3 MATSUNOKI GROUP, INC., doing business
4 as HAIKU HOUSES,

5 Plaintiff,

6 v.

7 TIMBERWORK OREGON, INC.;
8 TIMBERWORK, INC.; JOAN L. SHUELL;
9 EARL MAURY BLONDHEIM; DON PAUL;
10 ILENE ENGLISH-PAUL; and DOES 1 through
11 10, inclusive,

12 Defendants.

CASE NO. CV 08 4078 CW

Honorable Claudia Wilken

**STIPULATION TO CONTINUE
MEDIATION DATE AND EXTEND
MEDIATION DEADLINE;
MEDIATOR'S CONCURRENCE;
[PROPOSED] ORDER**

11 Plaintiff Matsunoki Group, Inc. dba Haiku Houses (hereinafter "Plaintiff") and defendants
12 Timberwork, Inc., Earl Maury Blondheim, Don Paul, and Ilene English-Paul (collectively,
13 "Defendants") (Plaintiff and Defendants are referred to, collectively, hereinafter as "the Parties"),
14 by and through their respective counsel, agree and stipulate as follows:

15 WHEREAS, the Court has appointed Mark LeHocky to act as mediator, and the Parties
16 and Mr. LeHocky previously stipulated to extending the Court's deadline to engage in mediation
17 to August 7, 2009.

18 WHEREAS, the Court signed an Order extending the deadline for the Parties to engage in
19 mediation on August 7, 2009.

20 WHEREAS, on July 6, 2009, Plaintiff's President, Charla Honea underwent a significant
21 emergency surgical procedure after which her doctor determined she was not physically able to
22 travel to California until after September 8, 2009. *See* Declaration of Charla Honea, filed
23 concurrently.

24 WHEREAS, the parties attempted to secure a new mediation date in September; however
25 due to the schedules of the Parties, their respective counsel, and Mr. LeHocky, the earliest date on
26 which all parties are available to engage in mediation is December 7, 2009.

27 THEREFORE, the Parties, through the undersigned counsel, hereby stipulate and agree
28 that the mediation will occur on December 7, 2009.

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IT IS SO STIPULATED.

Dated: September 10, 2009

GORDON & REES LLP

By: /s/ Lindsay J. Hulley
Lindsay J. Hulley
Attorneys for Plaintiff
MATSUNOKI GROUP, INC., doing
business as HAIKU HOUSES

Dated: September 10, 2009

LEWIS BRISBOIS BISGAARD & SMITH LLP

By: /s/ Rowena C. Seto
Rowena C. Seto
Attorneys for Defendants
TIMBERWORK, INC. and
EARL M. BLONDHEIM

Dated: September 10, 2009

DONAHUE GALLAGHER WOODS LLP

By: /s/ John C. Kirke
John C. Kirke
Attorneys for Defendants
DON PAUL and ILENE ENGLISH-PAUL

MEDIATOR'S CONCURRENCE

I concur in the above stipulation.

Dated: September 10, 2009

By: /s/ Marc LeHocky
Marc LeHocky
Mediator

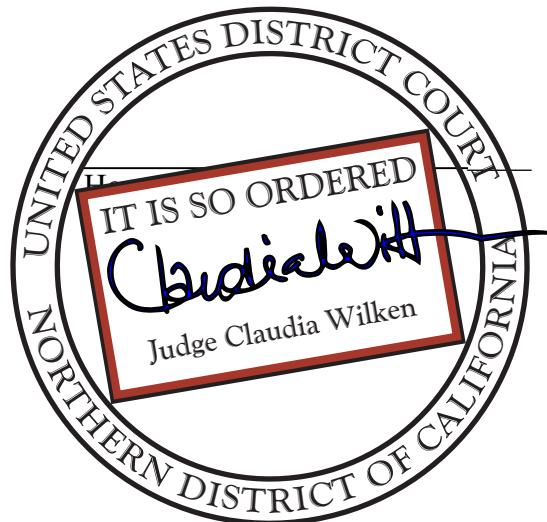
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ORDER

Based upon the foregoing stipulation of the Parties and the Mediator's concurrence, the Court **HEREBY ORDERS** that the mediation previously scheduled for August 7, 2009 be and hereby is continued, and that the mediation shall occur on December 7, 2009.

IT IS SO ORDERED.

Dated: Sept. 14, 2009



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Attorneys for Plaintiff
9 MATSUNOKI GROUP, INC. dba HAIKU HOUSES

10 UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA

12 MATSUNOKI GROUP, INC., doing business
13 as HAIKU HOUSES,

Plaintiff,

14 v.

15 TIMBERWORK OREGON, INC.;
16 TIMBERWORK, INC.; JOAN L. SHUELL;
17 EARL MAURY BLONDHEIM; DON PAUL;
18 ILENE ENGLISH-PAUL; and DOES 1 through
10, inclusive,

Defendants.

CASE NO. CV 08-4078 CW

Honorable Claudia Wilken

**DECLARATION OF CHARLA HONEA
IN SUPPORT OF STIPULATION TO
CONTINUE MEDIATION DATE AND
EXTEND MEDIATION DEADLINE;
MEDIATOR'S CONCURRENCE;
[PROPOSED] ORDER**

19 I Charla Honea, declare as follows:

20 1. I am the President of Matsunoki Group, Inc., plaintiff in this action. I am over 18
21 years old and not under any testimonial disability. I have never been convicted of a felony. I
22 have personal knowledge of the facts set forth herein. If I were sworn as a witness at any hearing
23 in this case, I could competently and truthfully testify as follows:

24 2. The parties in this case previously stipulated to mediate this matter before Mark
25 LeHockey on August 7, 2009.

26 3. However, on July 6, 2009, I underwent a significant emergency surgical procedure
27 for an incarcerated hernia which necessitated a hospital stay and a protracted recovery period.
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4. As of July 21, 2009, I was still recovering from my surgery and other medical issues and I was not confident that I would be well enough to travel for the scheduled August 7 mediation.

5. On July 29, 2009, my doctor who performed the surgery, Dr. Cohen, authored a note verifying the status of my recovery and expectation that I would be well enough to travel to California for the mediation after September 8, 2009. A true and correct copy of the note from Dr. Cohen is attached hereto as Exhibit A.

I declare under penalty of perjury under the laws of the State of Tennessee and of the United States of America that the foregoing is true and correct and that this declaration was executed this 10th day of September, 2009, in Mill Valley, CA.



Charla Honea

Exhibit A

NASHVILLE SURGICAL ASSOCIATES

JEANNY BALLINGER, M.D., F.A.C.S.

RAY HARGREAVES, M.D., F.A.C.S.

JONATHAN A. COHEN, M.D., F.A.C.S.

4230 HARDING ROAD

SUITE 302 W.

NASHVILLE, TN 37205

(615) 292-7708

(615) 292-7756 (FAX)

July 29, 2009

RE: Charla Honea

To Whom It May Concern:

Charla Honea underwent emergency surgery for an incarcerated hernia on July 6, 2009. She was hospitalized for a few days but made an excellent recovery. She was examined again in follow up on July 16, 2009. It is my understanding that she was to appear in San Francisco for a legal proceeding on August 7, 2009. It is certainly understandable to me why she would have difficulty making that trip so soon after a large emergency surgical procedure. I suspect she will be fine by Labor Day.

Sincerely,



Jonathan A. Cohen, M.D.

Sent without review to avoid delay

JAC/klb

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8 Attorneys for Plaintiff
MATSUNOKI GROUP, INC., dba HAIKU HOUSES
9

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA

12 MATSUNOKI GROUP, INC., doing business as)
HAIKU HOUSES,)

13)
14 Plaintiff,)

15 v.)

16 TIMBERWORK OREGON, INC.; TIMBERWORK,)
INC.; JOAN L. SHUELL; EARL MAURY)
17 BLONDHEIM; DON PAUL; ILENE ENGLISH-)
PAUL; and DOES 1 through 10, inclusive)

18 Defendants.)
19

CASE NO. CV 08-04078 CW

Honorable Claudia Wilken

CERTIFICATE OF SERVICE

20 I, the undersigned, certify and declare that I am over the age of 18 years, employed in the
21 County of Orange, State of California, and not a party to the above-entitled cause. On
September 10, 2009, I served a true copy of within document(s):

- 22 1. STIPULATION TO CONTINUE MEDIATION DATE AND EXTEND
23 MEDIATION DEADLINE; MEDIATOR'S CONCURRENCE; [PROPOSED]
ORDER
- 24 2. DECLARATION OF CHARLA HONEA IN SUPPORT OF STIPULATION TO
25 CONTINUE MEDIATION DATE
- 26 3. CERTIFICATE OF SERVICE

27 by attaching a PDF of the same to an electronic mail sent to the e-mail address listed
28 below, according to the parties' agreement.

Gordon & Rees LLP
101 West Broadway, Suite 2000
San Diego, CA 92101

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by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in United States mail in the State of California at Newport Beach, addressed as set forth below.

John C. Kirke
LAW OFFICES OF DONAHUE
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300 Lakeside Drive, Suite 1900
Oakland, CA 94612
JohnK@donahue.com

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I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in affidavit.

I hereby certify that I am employed in the office of a member of the Bar of this Court at whose direction the service was made.

Executed on September 10, 2009 at Newport Beach, California.



Sandra A. Talbert