

1 S. FEY EPLING (SBN 190025)  
 fey.epling@dbr.com  
 2 DRINKER BIDDLE & REATH LLP  
 50 Fremont Street, 20th Floor  
 3 San Francisco, CA 94105-2235  
 Telephone: (415) 591-7500  
 4 Facsimile: (415) 591-7510

5 Attorneys for Plaintiff  
 SUN LIFE ASSURANCE COMPANY OF  
 6 CANADA

7 UNITED STATES DISTRICT COURT  
 8 NORTHERN DISTRICT OF CALIFORNIA  
 9 OAKLAND DIVISION

11 SUN LIFE ASSURANCE COMPANY OF  
 12 CANADA,

13 Plaintiff,

14 v.

15 SUSAN MOLDAW, Executor of the Estate  
 of Stuart Moldaw, NORMAN FERBER, as  
 16 Trustee of The 2004 Stuart Moldaw Trust,  
 STUART G. MOLDAW HOLDINGS III,  
 17 LLC, PHILIP HILL, XE CAPITAL  
 MANAGEMENT, LLC, XE CAPITAL  
 18 ADVISERS, LLC, XE L.I.F.E., LLC,  
 RANDALL K. KAU, and ARCHE  
 19 MASTER FUND, L.P.,

20 Defendants.

Case No. C 09-2631 SBA

**STIPULATION AND ~~PROPOSED~~  
 ORDER EXTENDING DEFENDANTS'  
 TIME TO RESPOND TO PLAINTIFF'S  
 COMPLAINT**

22 **WHEREAS**, on June 12, 2009, Plaintiff filed a Complaint in the above-captioned action  
 23 and the case was reassigned to Judge Sandra Brown Armstrong;

24 **WHEREAS**, the Plaintiff and Defendants Susan Moldaw, Executor of the Estate of Stuart  
 25 Moldaw ("Moldaw"), and Norman Ferber, as Trustee of The 2004 Stuart Moldaw Trust  
 26 ("Ferber") previously agreed and stipulated that Moldaw and Ferber would have until September  
 27 21, 2009 to file a motion or answer directed at the Complaint; Plaintiff would have until October,  
 28 23, 2009 to file an opposition to such motion or answer; and the Moldaw and Ferber would have

STIP & [PROPOSED] ORDER EXTENDING DEFTS'  
 TIME TO RESPOND TO PLTF'S COMPLAINT

CASE NO. C 09-2631 SBA

1 until November 9, 2009 to file a reply, if necessary.

2 **NOW THEREFORE, IT IS STIPULATED AND AGREED** that:

3 1. Defendants Moldaw and Ferber, if they intend to file either a motion or answer  
4 directed at the Complaint, shall file such motion or answer on or before October 21, 2009.  
5 Plaintiff shall file any opposition to such motion or answer on or before November 23, 2009, and  
6 Defendants Moldaw and Ferber shall file their reply, if any, on or before December 11, 2009.

7 Dated: September 21, 2009

DRINKER BIDDLE & REATH LLP

8  
9  
10 By: /s/ S. Fey Epling  
S. Fey Epling (State Bar No. 190025)

11 **Attorneys for Plaintiffs**  
12 **Sun Life Assurance Company of Canada**

13 Dated: September 21, 2009

COTCHETT, PITRE & MCCARTHY

14  
15 By: /s/ Stuart G. Gross  
Stuart Gross (State Bar No. 251019)

16 **Attorneys for Defendant**  
17 **Susan Moldaw, Executor of the Estate of**  
**Stuart Moldaw**

18 Dated: September 21, 2009

MANATT, PHELPS & PHILLIPS LLP

19  
20 By: /s/ Barry S. Lee  
Barry S. Lee (State Bar No. 088685)


21 **Attorneys for Defendant**  
22 **Norman Ferber, as Trustee of The 2004**  
23 **Stuart Moldaw Trust**

24  
25 The parties having so stipulated, and good cause appearing therefore,

26 IT IS ORDERED THAT, Defendants Moldaw and Ferber, if they intend to file either a  
27 motion or answer directed at the Complaint, shall file such motion or answer on or before October  
28 21, 2009. Plaintiff shall file any opposition to such motion or answer on or before November 23,

1 2009, and Defendants Moldaw and Ferber shall file their reply, if any, on or before December 11,  
2 2009.

3 SO ORDERED this 23 day of September, 2009:

4   
5 Hon. Sandra B. Armstrong  
6 United States District Judge

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