

1 David F. Wood (State Bar No. 68063)
 Emil A. Macasinag (State Bar No. 256953)
 2 Jon-Erik W. Magnus (State Bar No. 278242)
 Wood, Smith, Henning & Berman LLP
 3 10960 Wilshire Boulevard, 18th Floor
 Los Angeles, California 90024-3804
 4 Phone: 310-481-7600 ♦ Fax: 310-481-7650
 E-mail: dwood@wshblaw.com
 5 jmagnum@wshblaw.com

6 Attorneys for Defendants and Cross-Defendants, JEANNE STEWART, JEANNE'S
 7 HAMLIN CLEANERS, JEANNE STEWART dba HAMLIN CLEANERS (erroneously sued
 as Hamlin Cleaners), and TOMMY LEE STEWART
 8

9 **UNITED STATES DISTRICT COURT**
 10 **NORTHERN DISTRICT OF CALIFORNIA – OAKLAND DIVISION**

12 GOLDEN GATE WAY, LLC, a California
 Limited Liability Company,

13 Plaintiff,

14 v.

15 JEANNE STEWART, JEANNE'S HAMLIN
 16 CLEANERS; HAMLIN CLEANERS;
 LEONARD A. GROSS, LINDA CAPIN
 17 GROSS; CONTRACTORS CAPITAL
 CORPORATION; LEONARD A. GROSS
 18 PROFESSIONAL CORPORATION; and
 DOES 1-10, INCLUSIVE,

19 Defendants.

CASE NO. 09-CV-04458-DMR

**STIPULATION AND [PROPOSED]
 ORDER RE: CONTINUING HEARING
 DATE FOR MOTION TO APPOINT
 GUARDIAN AD LITEM AND CASE
 MANAGEMENT CONFERENCE;
 BRIEFING SCHEDULE, AS MODIFIED**

Complaint Filed: 9/22/09

[Assigned for All Purposes to Magistrate
 Judge Donna M. Ryu, Courtroom 4]

Discovery Cutoff: 6/4/2012
 Motion Cutoff: 7/12/2012
 Trial Date: 1/14/2013

21 AND RELATED CROSS-ACTIONS.

22 Pursuant to Local Rules 6.2(a), the agreement of the undersigned parties and
 23 following discussion with the Clerk of the Court, the undersigned parties hereby stipulate
 24 to and request the following schedule for the briefing and hearing of Plaintiff Golden
 25 Gateway LLC's Motion to Appoint a Guardian Ad Litem for Leonard Gross and
 26 submission of Joint Case Management Conference Statement and continuance of the
 27 August 23, 2012 Case Management Conference. The Parties jointly request this
 28 extension of time to comply with the Court's Standing Order requiring attendance of lead

WOOD, SMITH, HENNING & BERMAN LLP
 Attorneys at Law
 10960 WILSHIRE BOULEVARD, 18TH FLOOR
 LOS ANGELES, CALIFORNIA 90024-3804
 TELEPHONE 310-481-7600 ♦ FAX 310-481-7650

1 trial counsel at Case Management Conferences and is otherwise supported by good
2 cause (See Declaration of Jon-Erik W. Magnus):
3 1. Defendant Leonard Gross' opposition papers will be filed with the Court on
4 or before Friday, September 7, 2012;
5 2. Plaintiff's reply papers will be filed with the Court on or before Thursday,
6 September 20, 2012;
7 3. The Joint Case Management Conference Statement will be filed with the
8 Court on or before Thursday, September 20, 2012;
9 4. The hearing on Plaintiff's Motion for Appointment of a Guardian Ad Litem for
10 Defendant Leonard A. Gross is set for Thursday, September 27, 2012 at 11:00 a.m.;
11 5. The August 23, 2012 Case Management Conference is continued to
12 Thursday, September 27, 2012 at 11:00 a.m.

14 DATED: August 1, 2012

WOOD, SMITH, HENNING & BERMAN LLP

16 By: /S/ Jon-Erik W. Magnus (ECF)
17 DAVID F. WOOD
18 EMIL A. MACASINAG
19 JON-ERIK W. MAGNUS
20 Attorneys for Defendants and Cross-Defendants,
21 JEANNE STEWART, JEANNE'S HAMLIN
22 CLEANERS, JEANNE STEWART dba HAMLIN
23 CLEANERS (erroneously sued as Hamlin
24 Cleaners), and TOMMY LEE STEWART

22 DATED: August 1, 2012

Hanson Bridgett LLP

24 By: /S/ John Cu, Esq. (ECF)
25 Catherine W. Johnson, Esq.
26 John Cu, Esq.
27 Attorneys for Plaintiff, Golden Gate Way, LLC and
28 Cross-Defendant, WILLIAM and YOLANDA
PEACOCK

WOOD, SMITH, HENNING & BERMAN LLP
Attorneys at Law
10960 WILSHIRE BOULEVARD, 18TH FLOOR
LOS ANGELES, CALIFORNIA 90024-3804
TELEPHONE 310-481-7600 ♦ FAX 310-481-7650

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DATED: August 1, 2012

Morrison & Foerster LLP

By: /S/ William F. Tarantino (ECF)
William F. Tarantino, Esq.
Attorneys for Defendant and Cross-Defendant,
LEONARD A. GROSS

DATED: August 1, 2012

Opper & Varco, LLP

By: /S/ Linda C. Beresford, Esq. (ECF)
Suzanne R. Varco, Esq.
Linda C. Beresford, Esq.
Attorneys for Cross-Defendant, SCOTT MONROE

DATED: August 1, 2012

Feldman Law Group

By: /S/ Aaron R. Feldman (ECF)
Aaron R. Feldman, Esq.
Attorneys for Cross-Defendant, JOY MONROE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER ON STIPULATION

IT IS HEREBY ORDERED that

1. Defendant Leonard Gross' opposition papers will be filed with the Court by **August 31, 2012;**

2. Plaintiff's reply papers will be filed with the Court by **September 7, 2012;**

3. The Joint Case Management Conference Statement will be filed with the Court on or before Thursday, September 20, 2012;

4. The hearing on Plaintiff's Motion for Appointment of a Guardian Ad Litem for Defendant Leonard A. Gross is set for Thursday, September 27, 2012 at 11:00 a.m.;

5. The August 23, 2012 Case Management Conference is continued to Thursday, September 27, 2012 at 11:00 a.m.

DATED: August 1, 2012



WOOD, SMITH, HENNING & BERMAN LLP
Attorneys at Law
10960 WILSHIRE BOULEVARD, 18TH FLOOR
LOS ANGELES, CALIFORNIA 90024-3804
TELEPHONE 310-481-7600 ♦ FAX 310-481-7650

WOOD, SMITH, HENNING & BERMAN LLP
Attorneys at Law
10960 WILSHIRE BOULEVARD, 18TH FLOOR
LOS ANGELES, CALIFORNIA 90024-3804
TELEPHONE 310-481-7600 ♦ FAX 310-481-7650

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DECLARATION OF JON-ERIK W. MAGNUS

I, Jon-Erik W. Magnus, declare as follows:

1. I am an attorney at law duly admitted to practice before the courts of the State of California and the United States District Court, Northern District of California. I am an associate with WOOD, SMITH, HENNING & BERMAN LLP, attorneys of record for JEANNE STEWART, JEANNE'S HAMLIN CLEANERS, JEANNE STEWART dba HAMLIN CLEANERS (erroneously sued as Hamlin Cleaners) AND TOMMY LEE STEWART. I know the following facts to be true of my own knowledge, and if called to testify, I could competently do so.

2. On June 14, 2012, at the request of counsel for Leonard Gross ("Gross"), we agreed to stipulate to lengthen time for Gross to file an Opposition to Plaintiff's Motion To Appoint A Guardian Ad Litem For Defendant Leonard Gross. In agreeing to lengthen time to respond to the instant motion, this office did not agree to continue the date of the Case Management Conference scheduled for August 1, 2012. On June 14, 2012, counsel for Gross filed a Stipulation and [Proposed] Order Re Briefing Schedule and Hearing Date. Under the Stipulation and [Proposed] Order, Gross' Opposition is due August 2, 2012, and Plaintiff's Reply is due August 9, 2012.

3. On June 15, 2012, the Court granted the Stipulation. The Court's Order regarding the briefing schedule and hearing date also continued the Case Management Conference in this matter to August 23, 2012, the same date as the hearing on Plaintiff's Motion.

4. Pursuant to the Court's Standing Order dated July 3, 2012, lead trial counsel are required to attend all Case Management Conferences. The August 23, 2012 Case Management Conference date presents a conflict for our lead trial counsel in this matter, David F. Wood. Mr. Wood is unavailable August 23, 2012, due to a previously scheduled commitment.

5. Upon realizing this conflict, and in a desire to comply with the Court's Standing Order, we contacted the Court's Calendar Clerk and Deputy Ivy Garcia. When

1 apprised of the conflict, Ms. Ivy advised that we could seek relief by stipulating to
2 continue the date of the case management conference and the hearing date.

3 6. This office has consulted with all other counsel who agreed to the present
4 stipulation. September 27, 2012 is the first available date that all parties are available.

5 7. In addition, counsel for Gross requested that the time to file responsive
6 papers be extended accordingly.

7 8. Plaintiff's counsel has advised that he is unavailable to file a response the
8 week of September 10, 2012. Consequently, Plaintiff's counsel has requested that the
9 time to file a reply be extended to allow a response the week of September 17, 2012 and
10 to coincide with the filing of the Joint Case Management Conference Statement.

11 I declare under penalty of perjury under the laws of the United States of America
12 that the foregoing is true and correct.

13 Executed July 31, 2012, at Concord, California.

15 /S/ Jon-Erik W. Magnus (ECF)
16 Jon-Erik W. Magnus

14
17
18
19
20
21
22
23
24
25
26
27
28