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 6

7 Attorneys for Defendants and Cross-Defendants, JEANNE STEWART, JEANNE'S
 8 HAMLIN CLEANERS, JEANNE STEWART dba HAMLIN CLEANERS (erroneously sued
 as Hamlin Cleaners), and TOMMY LEE STEWART
 9

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

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

14 Plaintiff,

15 v.

16 JEANNE STEWART, JEANNE'S HAMLIN
 17 CLEANERS; HAMLIN CLEANERS;
 LEONARD A. GROSS, LINDA CAPIN
 18 GROSS; CONTRACTORS CAPITAL
 CORPORATION; LEONARD A. GROSS
 19 PROFESSIONAL CORPORATION; and
 DOES 1-10, INCLUSIVE,
 20

21 Defendants.

Case No. 09-CV-04458-DMR

**STIPULATION AND ~~PROPOSED~~
 ORDER TO EXTEND THE DEADLINE
 FOR SUBSTITUTION UNDER RULE 25**

Complaint Filed: 9/22/09

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

Discovery Cutoff: 9/3/2013
 Motion Cutoff: 10/17/2013
 Trial Date: 4/14/2014

22 AND RELATED CROSS-ACTIONS
 23

24 WHEREAS, Defendant and Cross-Claimant Leonard A. Gross ("Gross") died in
 25 December 2012.

26 WHEREAS, counsel for Gross filed a suggestion of death on March 14, 2013.
 27 (Docket No. 307).

28 ///

1 WHEREAS, on May 15, 2013, counsel for Gross filed an Amended Suggestion of
2 Death. (Docket No. 311).

3 WHEREAS, this Court issued an Order upon the stipulation of Plaintiff Golden
4 Gate Way, LLC ("Plaintiff"), Defendant and Cross-Claimants Jeanne Stewart, Jeanne's
5 Hamlin Cleaners, et al. ("Stewarts") and counsel for Gross that the deadline for
6 substitution under the Amended Suggestion of Death is August 13, 2013. (Docket No.
7 313).

8 WHEREAS, Plaintiff, Stewarts, and Gross (collectively the "Parties") engaged in
9 informal discovery facilitated by the mediator Lester Levy. Such discovery necessarily
10 included a non-party, Barry Gross, the present custodian of Gross' records.

11 WHEREAS, despite diligent efforts by counsel, counsel for Gross was only
12 recently provided documents by non-party Barry Gross, the discovery necessary for the
13 Stewarts and Plaintiff to determine the identity of appropriate nonparties, if any, for
14 substitution under Federal Rules of Civil Procedure Rule 25.

15 WHEREAS, Plaintiff and Stewarts received Gross' production related to their Rule
16 25 discovery on August 1, 2008.

17 WHEREAS, Plaintiff and Stewarts require additional time to evaluate the discovery
18 provided Gross, in particular complex real estate transactions related to assets held by
19 Gross.

20 WHEREAS, the Parties continue to meet and confer regarding the appropriate
21 nonparties for substitution under Federal Rules of Civil Procedure Rule 25.

22 The Parties, by and through their respective counsel, hereby stipulate as follows:

23 1. The Parties agree that under the Federal Rules of Civil Procedure, Rule
24 6(b), this Court may extend the deadline for substitution by stipulation upon a showing of
25 good cause.

26 2. The Parties agree that based on the timing of the production of documents
27 by a non-party and the continued cooperation of the Parties to resolve outstanding issues
28 through work with the mediator, good cause exists to extend the time in which to bring a

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1 substitution.

2 3. The Parties agree that the deadline to file a motion for substitution is August
3 28, 2013.


4 4. This stipulation may be executed in counterparts and signatures obtained
5 via e-mail or facsimile and shall be considered originals.

6 **IT IS SO STIPULATED.**

7 DATED: August 8, 2013

8 By: 
9 RAYMOND T. ROCKWELL
10 J. GARRET DEAL
11 Attorneys for Plaintiff Golden Gate Way,
12 LLC and Cross-Defendants William
13 Peacock and Yolanda Peacock
14 WOOD SMITH HENNING & BERMAN

11 DATED: August 8, 2013

13 By: 
14 DAVID F. WOOD
15 EMILIO A. MACASINAG
16 JONERIK W. MAGNUS
17 Attorneys for Defendants
18 Jeanne Stewart, Jeanne's Hamlin
19 Cleaners, Jeanne Stewart dba Hamlin
20 Cleaners and Tommy Lee Stewart
21 MORRISON & FOERSTER LLP

18 DATED: August 8, 2013

20 By: _____
21 WILLIAM TARANTINO
22 Attorneys for Cross-Defendant
23 Leonard Gross

22 **IT IS SO ORDERED**

24 Dated: Aug. 9, 2013

23 
24 HONORABLE DONNA M. RYU
25 UNITED STATES MAGISTRATE JUDGE

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3 28, 2013.

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9 RAYMOND T. ROCKWELL
10 J. GARRET DEAL
11 Attorneys for Plaintiff Golden Gate Way,
12 LLC and Cross-Defendants William
13 Peacock and Yolanda Peacock
14 WOOD SMITH HENNING & BERMAN

11 DATED: August 8, 2013

13 By: _____
14 DAVID F. WOOD
15 EMILIO A. MACASINAG
16 JON-ERIK W. MAGNUS
17 Attorneys for Defendants
18 Jeanne Stewart, Jeanne's Hamlin
19 Cleaners, Jeanne Stewart dba Hamlin
20 Cleaners and Tommy Lee Stewart
21 MORRISON & FOERSTER LLP

18 DATED: August 8, 2013

19
20 
21 By: _____
22 WILLIAM TARANTINO
23 Attorneys for Cross-Defendant
24 Leonard Gross

23 **IT IS SO ORDERED**

25 Dated: _____

25 _____
26 HONORABLE DONNA M. RYU
27 UNITED STATES MAGISTRATE JUDGE
28

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