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 11 **UNITED STATES DISTRICT COURT**
 12 **NORTHERN DISTRICT OF CALIFORNIA**
 13 **EUREKA DIVISION**

Bryan Cave LLP
 2 Embarcadero Center, Suite 1410
 San Francisco, CA 94111

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 16 **ROSS, SINCLAIRE & ASSOCIATES,
 LLC,**

17 Plaintiffs,

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 19 vs.

20 **PREMIER SENIOR LIVING, LLC;**
 21 **PREMIER SENIOR LIVING**
 22 **DELAWARE, LLC; 5690 STATE**
 23 **BRIDGE, LLC; 8700 LAWYERS, LLC;**
 24 **460 MEDLOCK, LLC; 6441 HOLDER,**
 25 **LLC; 2147 DAVIE, LLC; 915 HOOK,**
 26 **LLC; 5835 MEDLOCK BRIDGES, LLC;**
 27 **1049 ANNA KNAPP, LLC; and 1224**
 28 **VILLAGE CREEK, LLC,**

Defendants.

Case No. 4:11-cv-05104-PJH

Honorable Magistrate Judge Nandor J. Vadas

**STIPULATED REQUEST TO
 AMEND BRIEFING SCHEDULE ON
 PLAINTIFF ROSS, SINCLAIRE &
 ASSOCIATES, LLC'S MOTION FOR
 LEAVE TO CONDUCT EXPEDITED
 DISCOVERY [DOCKET NO. 11];
 DECLARATION OF CARRIE
 BECHTOLD IN SUPPORT; AND
 ORDER**

[Filed Pursuant to L.R. 6-2]

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3 **STIPULATED REQUEST TO AMEND BRIEFING SCHEDULE**

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5 Pursuant to Civil L.R. 6-2, Plaintiff Ross, Sinclair & Associates, LLC (“RSA”) and
6 Defendants Premier Senior Living, LLC; Premier Senior Living Delaware, LLC; 5690 State
7 Bridge, LLC; 8700 Lawyers, LLC; 460 Medlock, LLC; 6441 Holder, LLC; 2147 Davie, LLC; 915
8 Hook, LLC; 5835 Medlock Bridges, LLC; 1049 Anna Knapp, LLC; and 1224 Village Creek, LLC
9 (collectively, “Defendants”), submit this stipulated request to amend briefing schedule on RSA’s
10 Motion for Leave to Conduct Expedited Discovery (Docket No. 11) (the “Discovery Motion”).

11 RSA filed its Discovery Motion on November 7, 2011. Pursuant to the parties request, the
12 Court entered an Order setting a hearing date for the Discovery Motion for December 20, 2011
13 (Doc.cket No. 18.) RSA and Defendants now jointly request that this Court enter an Order
14 establishing the following schedule to brief the Discovery Motion:

- 15 • **November 29, 2011:** Due Date for Defendants’ Opposition to Discovery Motion
- 16 • **December 7, 2011:** Due Date for RSA’s Reply in Support of Discovery Motion

17 The parties agree that this schedule will not impact the previously scheduled December 20,
18 2011 hearing on the Discovery Motion.

19 Pursuant to Local Rule 6-2, accompanying this Stipulated Request is the Declaration of
20 Carrie Bechtold, which explains why such a request is necessary, sets forth that there have been no
21 previous time modifications, and describes the effect the requested time modification would have
22 on the case. As such, the parties respectfully request this Court to enter an order changing time as
23 described above.

24 Respectfully submitted,

25 Dated: November 23, 2011

BRYAN CAVE LLP

27 By: /s/ James Goldberg

28 James Goldberg
Attorneys for Plaintiff

ROSS, SINCLAIRE & ASSOCIATES, LLC

Dated: November 23, 2011

SHEPHERD SMITH EDWARDS & KANTAS, LLP

By: /s/ Samuel B. Edwards

Samuel B. Edwards (CBN 237500)

Attorneys for Defendants

PREMIER SENIOR LIVING, LLC; PREMIER
SENIOR LIVING DELAWARE, LLC; 5690
STATE BRIDGE, LLC; 8700 LAWYERS, LLC;
460 MEDLOCK, LLC; 6441 HOLDER, LLC; 2147
DAVIE, LLC; 915 HOOK, LLC; 5835 MEDLOCK
BRIDGES, LLC; 1049 ANNA KNAPP, LLC; and
1224 VILLAGE CREEK, LLC

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DECLARATION OF CARRIE BECHTOLD IN SUPPORT OF STIPULATED REQUEST

I, Carrie Bechtold, declare as follows:

1. I am an attorney at Bryan Cave, LLP.

2. I am in good standing and licensed to practice law in Missouri, Illinois, and the United States District Courts for the Eastern District of Missouri and the Central District of Illinois.

3. Defendants filed a claim requesting an arbitration (“Arbitration”) before the Financial Industry Regulatory Authority (“FINRA”) against Ross, Sinclair & Associates, LLC (“RSA”).

4. I am one of the attorneys that represents RSA in this Arbitration.

5. The contents of this declaration are based upon my personal knowledge and are true and correct to the best of my knowledge and belief. If called to testify, I could and would testify competently thereto.

6. On November 7, 2011, RSA filed a Motion to Conduct Expedited Discovery (the “Discovery Motion”) in this case. Through the motion, RSA asks the Court for leave to conduct limited factual discovery related to the issue of whether Defendants are customers of RSA for purposes of Section 12200 of the FINRA Customer Code. This discovery is necessary to provide the Court with an adequate factual record to decide RSA’s forthcoming Motion for Preliminary Injunction to enjoin the Arbitration.

7. The Court previously agreed to hear the Discovery Motion on an expedited basis. (Docket No. 18). The Court set the hearing on the Discovery Motion on December 20, 2011.

8. The proposed briefing schedule contemplates the conclusion of briefing almost two weeks in advance of the hearing.

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1 9. I met and conferred with counsel for Defendants in order to obtain a stipulation to
2 the proposed briefing schedule. Counsel for Defendants agreed and stipulated to the proposed
3 schedule.

4 I declare under penalty of perjury under the laws of the United States that the foregoing is
5 true and correct.

6 Dated: November 28, 2011

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8 By: /s/ Carrie Bechtold
9 Carrie Bechtold

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12 I hereby attest that I have on file all holograph signatures for any signatures indicated by a
13 “conformed” signature (/s/) within this efiled document.

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16 By: /s/ James Goldberg
17 James Goldberg
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[PROPOSED] ORDER

FOR GOOD CAUSE SHOWN, IT IS HEREBY ORDERED that the Stipulated Request of Plaintiff Ross, Sinclair & Associates, Inc. (“RSA”) and Defendants Premier Senior Living, LLC; Premier Senior Living Delaware, LLC; 5690 State Bridge, LLC; 8700 Lawyers, LLC; 460 Medlock, LLC; 6441 Holder, LLC; 2147 Davie, LLC; 915 Hook, LLC; 5835 Medlock Bridges, LLC; 1049 Anna Knapp, LLC; and 1224 Village Creek, LLC (collectively, “Defendants”) to AMEND BRIEFING SCHEDULE ON PLAINTIFF ROSS, SINCLAIRE & ASSOCIATES, LLC’S MOTION FOR LEAVE TO CONDUCT EXPEDITED DISCOVERY [DOCKET NO. 11] is **GRANTED**.

Defendants shall file their Opposition to RSA’s Motion for Leave to Conduct Expedited Discovery (Docket No. 11) no later than November 29, 2011. RSA shall file a reply in support of its Motion, if any, by December 7, 2011. The hearing on RSA’s Discovery Motion is not changed from its previously setting, December 20, 2011. (Docket No. 18).

IT IS SO ORDERED.

Dated: November 28, 2011



Hon. Magistrate Nandor J. Vadas,
U.S. District Court for the Northern
District of California