Levy v. Prevacus, Inc. Doc. 92

| 1 | Paul H. Beattie, Esq. (admitted pro hac vice) | |
|----|---|--|
| 2 | Richard J. Mooney, Esq. (SBN: 176486) Brian T. Hafter, Esq. (SBN: 173151) | |
| 3 | Rimon P.C. One Embarcadero Center #400 | |
| 4 | San Francisco, CA 94111 Telephone: (415) 539-0443 | |
| 5 | <u>paul.beattie@rimonlaw.com</u> <u>richard.mooney@rimonlaw.com</u> | |
| 6 | Attorneys for Plaintiff Daniel E. Levy | |
| 7 | | |
| 8 | UNITED STATES | DISTRICT COURT |
| 9 | NORTHERN DISTRICT OF CALIFORNIA | |
| 10 | | |
| 11 | Daniel E. Levy, an individual domiciled in | Case No. 16-cy-1555 KAW |
| 12 | California, | |
| 13 | Plaintiff, | STIPULATION AND [PROPOSED] ORDER POSTPONING CASE |
| 14 | vs. | MANAGEMENT CONFERENCE |
| 15 | Prevacus, Inc., a Delaware corporation residing in Florida, | |
| 16 | Defendant. | |
| 17 | Detendant. | |
| 18 | | |
| 19 | STIPU | LATION |
| 20 | Plaintiff Daniel E. Levy, and Defe | endants Prevacus and Jake VanLandingham, |
| 21 | through their respective counsel of record, do hereby agree and stipulate as follows: | |
| 22 | | |
| 23 | | |
| 24 | | |
| 25 | | |
| 26 | | |
| 27 | | |
| 28 | | |
| | | |

| 1 | 1. The Court has scheduled a case management conference for September 18, 2018. | |
|---------------------------------|--|--|
| 2 | 2. The parties participated in a mediation on September 26, 2017, and since that time, | |
| 3 | the parties have been working in good faith to negotiate settlement terms. This process has taken | |
| 4 | longer than the parties envisioned, and the parties appreciate the Court's patience. | |
| 5 | 3. The parties have made real progress towards satisfying the key terms of their | |
| 6 | mediation agreement. The Stock Options Agreement awarding Dr. Levy vested options to buy up | |
| 7 | to 80,000 shares of stock in the company has been finalized and signed. That part of the settlement | |
| 8 | is now complete. Prevacus has also paid the first \$25,000 of an agreed cash settlement amount of | |
| 9 | \$125,000, but indicates it needs more time to pay off the balance. ¹ | |
| 10 | 4. In light of the foregoing, Plaintiff and Defendants agree to postpone the case | |
| 11 | management conference until a convenient date for the Court that falls after January 1, 2019 – with | |
| 12 | all parties hoping in good faith that a dismissal with prejudice will be filed before said date. | |
| 13 | Dated: September 4, 2018 Rimon P.C. | |
| 14 | | |
| 15 | By: /s/ Brian T. Hafter | |
| 16 | Brian T. Hafter Attorneys for Plaintiff Daniel E. Levy | |
| 17 | | |
| 18 | Dated: September 4, 2018 Law Offices of Seth W. Wiener | |
| 19 | | |
| 20 | By: /s/_Seth W. Wiener | |
| 21 | Seth W. Wiener Attorneys for Defendants Prevacus, Inc. | |
| 22 | and Jake VanLandingham | |
| | | |
| 23 | | |
| 2324 | | |
| | | |
| 24 | ¹ Dr. Levy's counsel also states separately: It has not been clear to Dr. Levy that spending more money on litigation would have sped the settlement process up at all, since much of the delay is | |
| 2425 | ¹ Dr. Levy's counsel also states separately: It has not been clear to Dr. Levy that spending more money on litigation would have sped the settlement process up at all, since much of the delay is simply a function of Prevacus' cash-flow issues. However, Dr. Levy reserves the right to move the Court to add interest to the agreed settlement amount (\$125,000) if delays persist. | |

| 1 | | |
|----|--|--|
| 2 | ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1 | |
| 3 | I, Brian T. Hafter, attest that concurrence in the filing of this document has been obtained | |
| 4 | from the other signatories. Executed on September 4, 2018 in San Francisco, California. | |
| 5 | | |
| 6 | By: <u>/s/ Brian T. Hafter</u> Brian T. Hafter | |
| 7 | Attorneys for Plaintiff Daniel E. Levy | |
| 8 | | |
| 9 | [PROPOSED] ORDER | |
| 10 | | |
| 11 | Pursuant to the foregoing Stipulation, IT IS SO ORDERED. The case management | |
| 12 | conference scheduled for September 18, 2018 has been postponed and will be held on | |
| 13 | January 8, 2019 at1:30 p.m. | |
| 14 | Dated: 9/10 2018 Kandis Westmore | |
| 15 | Hon. Kandis A. Westmore United States Magistrate Judge | |
| 16 | Officed States Magistrate Judge | |
| 17 | | |
| 18 | | |
| 19 | | |
| 20 | | |
| 21 | | |
| 22 | | |
| 23 | | |
| 24 | | |
| 25 | | |
| 26 | | |
| 27 | | |
| 28 | 2 | |
| | <i>-</i> | |