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 15 Golf Course and Brewery LLC

13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA

16 ABDUL NEVAREZ,)	Case No. 4:17-cv-03247-KAW
)	
17 Plaintiff,)	<u>Civil Rights</u>
)	
18 v.)	STIPULATION AND [PROPOSED]
)	ORDER TO EXTEND TIME UNDER
)	Fed.R.Civ.P. RULE 12(f)
19 CANYON LAKES GOLF COURSE AND)	
20 BREWERY LLC and DOES 1-10, Inclusive,)	
)	
21 Defendants.)	
)	

23
 24 **STIPULATION**

25 **TO THE CLERK OF THE ABOVE ENTITLED COURT AND TO ALL PARTIES AND**
 26 **TO THEIR RESPECTIVE ATTORNEYS OF RECORD:**

1 WHEREAS, this case has been assigned for early disclosures and mediation under
2 General Order 56;

3 WHEREAS, plaintiff's deadline for filing a motion under Federal Rule of Civil
4 Procedure ("Fed.R.Civ.P.") 12(f) regarding the Answer by defendant Canyon Lakes Golf Course
5 and Brewery LLC ("Canyon Lakes") is December 27, 2017; and
6

7 WHEREAS, plaintiff and defendant wish to avoid the time and expense of briefing a
8 Rule 12(f) motion until/unless mediation under General Order 56 does not succeed;

9 IT IS HEREBY STIPULATED by and among the parties that the deadline for plaintiff to
10 file any motion under Fed.R.Civ.P. 12(f) be extended to 21 days past the date the mediator
11 certifies that mediation under General Order 56 has been completed, or when the Court orders
12 that the parties are no longer under General Order 56, whichever occurs first (hereinafter
13 "triggering event"). It is also stipulated that 1) the parties shall meet and confer within seven (7)
14 days of the triggering event; 2) defendant Canyon Lakes shall thereafter be allowed an
15 opportunity to voluntarily amend its answer prior to plaintiff filing any Fed.R.Civ.P. 12(f)
16 motion and 3) that any amended answer shall be filed no later than seven (7) days after the
17 parties meet and confer.
18
19

20 **IT IS SO STIPULATED.**

21 Dated: December 20, 2017

PEIFFER ROSCA WOLF ABDULLAH CARR & KANE

22 s/ Catherine Cabalo

23 BY: Catherine Cabalo

24 Attorneys for Plaintiff Abdul Nevarez

25 Dated: December 20, 2017

ERICKSEN ARBUTHNOT

26 s/ Andrew Kozlow

27 BY: Andrew Kozlow


28 Attorneys for Defendant Canyon Lakes Golf Course and
Brewery LLC

1 **ORDER**

2 Pursuant to the stipulation of the parties, and for good cause shown, it is hereby
3 ORDERED that the deadline for plaintiff to file any motion under Fed.R.Civ.P. 12(f) be
4 extended to 21 days past the date the mediator certifies that mediation under General Order 56
5 has been completed, or when the Court orders that the parties are no longer under General Order
6 56, whichever occurs first (hereinafter “triggering event”). It is also stipulated that 1) the parties
7 shall meet and confer within seven (7) days of the triggering event; 2) defendant Canyon Lakes
8 Golf Course and Brewery LLC shall thereafter be allowed an opportunity to voluntarily amend
9 its answer prior to plaintiff filing any Fed.R.Civ.P. 12(f) motion; and 3) any amended answer
10 shall be filed no later than seven (7) days after the parties meet and confer.
11

12 **IT IS SO ORDERED.**

13 Dated: 1/4/2018, :

14 
15 Honorable Kandis A. Westmore
United States Magistrate Judge

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17
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19 **SIGNATORY ATTESTATION**

20 The e-filing attorney hereby attests that concurrence in the content of the foregoing
21 document and authorization to file the foregoing document has been obtained from the other
22 signatory indicated by a conformed signature (/s/) within the foregoing e-filed document.
23

24 Dated: December 20, 2017

25 By: s/ Catherine Cabalo
Catherine Cabalo