

1 JEFFREY L. FILLERUP (SBN 120543)
 jfillerup@rinconlawllp.com
 2 CHARLES P. MAHER (SBN 124748)
 cmaher@rinconlawllp.com
 3 RINCON LAW LLP
 200 California St., Suite 400
 4 San Francisco, CA 94111
 Telephone: (415) 996-8199
 5 Facsimile: (415) 680-1712

6 Attorneys for Plaintiff
 Marlene G. Weinstein, Chapter 7 Trustee
 7

8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10 OAKLAND DIVISION

11 In re
 12 INDEPENDENT ADOPTION CENTER,
 13 Debtor.

Case 4:18-cv-01545-HSG

14 MARLENE G. WEINSTEIN, Trustee,
 15 Plaintiff,

**STIPULATION SETTING BRIEFING
 SCHEDULE AND HEARING DATE OF
 MOTION TO WITHDRAW THE
 REFERENCE, AND ORDER [Local Rule 7-
 12]**

16 v.

17 GREGORY S. KUHL, SUSAN SPARLING,
 18 ALEX KAPLAN, NANCY WORRELL, DAN
 19 WARD, WILLIAM KINNANE, CHRISTINE
 ZWERLING, MARCIA HODGES, and
 20 NAVIGATORS INSURANCE COMPANY, a
 New York corporation,
 21 Defendants.
 22

**HEARING DATE: July 11, 2018
 HEARING TIME: 2:00 p.m.
 LOCATION: 1301 Clay St., Courtroom 2
 JUDGE: Hon. Haywood S. Gilliam, Jr.**

[Bankruptcy Case No. 17-40327 RLE,
 Adversary Proceeding No. 17-04020 RLE]

23
 24
 25
 26 This Stipulation is entered into by and between Plaintiff Marlene G. Weinstein, Chapter 7
 27 Trustee of the estate of Independent Adoption Center, by and through her counsel Jeffrey L.
 28 Fillerup of Rincon Law LLP, and Defendants Greg Kuhl, Susan Sparling, Alex Kaplan, Nancy

1 Worrell, Daniel Ward, William Kinnane, and Christine Zwerling (collectively “Director
2 Defendants”), by and through their counsel Jason W. Mauck of Ericksen Arbuthnot, as follows:

3 WHEREAS, on February 3, 2017, Independent Adoption Center (the “Debtor”) filed a
4 Chapter 7 bankruptcy petition, Bankruptcy Case No. 17-40327 RLE;

5 WHEREAS, Plaintiff Marlene G. Weinstein was appointed as the Chapter 7 Trustee of the
6 Debtor’s estate (the “Trustee”);

7 WHEREAS, on March 21, 2017, the Trustee filed an adversary proceeding, A.P. No. 17-
8 4020 RLE (the “Adversary Proceeding”), against certain former members of the Debtor’s Board
9 of Directors, referred to as the Director Defendants, and a former officer of the Debtor, Marcia
10 Hodges;

11 WHEREAS, the Director Defendants filed a motion to withdraw the reference of the
12 Adversary Proceeding from the Bankruptcy Court to this Court, and such motion was assigned
13 Case No. 18-cv-01545-HSG;

14 WHEREAS, Marcia Hodges filed a motion to withdraw the reference of the Adversary
15 Proceeding from the Bankruptcy Court to this Court, and such motion was assigned Case No. 18-
16 cv-01351-HSG;

17 WHEREAS, the Trustee plans to oppose the two motions to withdraw the reference;

18 WHEREAS, the two motions to withdraw the reference relate to the same case in the
19 Bankruptcy Court (A.P. No. 17-04020-RLE), so the parties believe that it is in the interest of
20 judicial economy to have the same briefing schedule and hearing date for both motions to
21 withdraw the reference; and

22 WHEREAS, the parties enter into this Stipulation pursuant to Local Rule 7-12 and seek
23 an order approving the common dates for the further briefing of the motions and the setting of the
24 hearing date for the two motions at the same time, as follows:

25 1. The hearing date of the Director Defendants’ motion to withdraw the reference
26 (Case No. 18-cv-01545-HSG) will be set for **July 11, 2018 at 2:00 p.m.** in Courtroom 2, 4th
27 Floor, 1301 Clay Street, Oakland, California.

28 2. The date for the Trustee’s filing of an opposition to the Director Defendants’

1 motion to withdraw the reference is set for May 29, 2018.

2 3. The reply brief in support of the Director Defendants' motion to withdraw the
3 reference is set for June 12, 2018.

4 4. Any prior hearing dates and briefing schedules are taken off calendar.

5 IT IS SO STIPULATED.

6
7 DATED: May 16, 2018

RINCON LAW LLP

8
9 By: /s/ Jeffrey L. Fillerup

10 Jeffrey L. Fillerup

11 Attorneys for Plaintiff Marlene G. Weinstein,
12 Chapter 7 Trustee

13 DATED: May 16, 2018

ERICKSEN ARBUTHNOT

14
15 By: /s/ Jason W. Mauck

16 Jason W. Mauck

17 Attorneys for Director Defendants

18 **ORDER**

19 Based on the foregoing Stipulation, and for good cause appearing, IT IS HEREBY
20 ORDERED that the foregoing stipulation is approved and is ordered.

21
22 DATED: 5/17/2018

23 By: 

24 Hon. Haywood S. Gilliam, Jr.
25 United States District Judge
26
27
28