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16 Attorneys for Plaintiffs,

17 DR. HERMAN TULL, PH.D. and

18 DR. LEKHA TULL, DDS.

19 UNITED STATES DISTRICT COURT

20 NORTHERN DISTRICT OF CALIFORNIA

21 OAKLAND DIVISION

22 DR. HERMAN TULL, PH.D., an
 23 individual, and DR. LEKHA TULL, DDS.,
 24 an individual,

25 Plaintiffs,

26 vs.

27 MICHAELA HIGGINS, an individual,
 28 a/k/a CAELI LA; and DOES 1 through 10
 inclusive,

Defendants.

CASE NO.: 4:21-cv-01574-DMR

ASSIGNED TO: Magistrate Judge Donna M. Ryu

**STIPULATION AND ORDER FURTHER
 EXTENDING DEADLINE
 TO FILE FIRST AMENDED COMPLAINT**

FILE DATE: March 5, 2021

TRIAL DATE SET: No Date Set

STIPULATION

WHEREAS, on March 5, 2021, Plaintiffs Dr. Herman Tull and Dr. Lehka Tull, DDS
 (“Plaintiffs”) filed their complaint in this action (Dkt. 1);

WHEREAS, on April 28, 2021, Defendant Michaela Higgins filed a motion to dismiss
 and motion to strike the complaint (“Motions”) (Dkt.24 and 25);

1 WHEREAS, on December 27, 2021, the Court issued an Order on Motions to Dismiss and
2 Motions to Strike (“Order”) which granted in part and denied in part the Motions with leave to
3 amend and further ordered that Plaintiffs shall file an amended complaint within 14 days of the
4 Court’s Order (Dkt. 40);

5 WHEREAS, on January 7, 2022, this Court approved the parties’ joint request for an
6 extension to file a first amended complaint and issued an Order extending the deadline for
7 Plaintiffs to file an amended complaint until January 24, 2022 (Dkt. 44);

8 WHEREAS, on January 6, 2022, Plaintiffs’ counsel filed their Notice of Withdrawal and
9 Substitution of Counsel (Dkt. 42) and on January 20, 2022, the Court issued an order granting *pro*
10 *hac vice* admission to Plaintiffs’ counsel Jacqueline Veit (Dkt. 47);

11 WHEREAS, on January 21, 2022, the parties submitted a Stipulation and Order Extending
12 Deadline to File First Amended Complaint (Dkt. 48) requesting a further extension of 30 days to
13 file an amended complaint, which was approved by the Court, thereby extending the deadline for
14 Plaintiffs to file an amended complaint until February 23, 2022 (Dkt. 49);

15 WHEREAS, on February 18, 2022, the parties submitted a Stipulation and Order
16 Extending Deadline to File First Amended Complaint (Dkt. 50), advising the Court that the
17 Parties are actively engaged in settlement discussions and progress has been made but certain
18 complicated issues exist that remain to be addressed, which was approved by the Court, thereby
19 extending the deadline for Plaintiffs to file an amended complaint until March 18, 2022 (Dkt. 51);

20 WHEREAS, on March 18, 2022, the parties submitted a Stipulation and Order Extending
21 Deadline to File First Amended Complaint (Dkt. 52), advising the Court that the Parties have
22 continued settlement efforts and are close to settlement and have exchanged initial settlement
23 documents, which was approved by the Court, thereby extending the deadline for Plaintiffs to file
24 an amended complaint until March 30, 2022 (Dkt. 53);

25 WHEREAS, on March 30, 2022, the parties submitted a Stipulation and Order Extending
26 Deadline to File First Amended Complaint (Dkt. 54), advising the Court that the parties have not
27 yet finalized settlement documents but continue to work toward that goal, which was approved by
28

1 the Court, thereby extending the deadline for Plaintiffs to file an amended complaint until April 6,
2 2022 (Dkt. 55);

3 WHEREAS, the parties have reached a settlement and executed a settlement agreement,
4 and are in the process of effecting certain conditions provided in the settlement agreement before
5 a dismissal of this action may be sought;

6 WHEREAS, the parties anticipate that settlement conditions will be fulfilled and the
7 parties will be able to submit a stipulation for dismissal in a few weeks; and

8 WHEREAS, the parties respectfully request that the Court grant 30 days for the parties to
9 either file a stipulation for dismissal or for Plaintiffs to file a first amended complaint.

10 NOW THEREFORE, the parties, by and through their undersigned attorneys, hereby
11 stipulate and agree that the parties shall have an additional 30 days, through and including May 6,
12 2022, to file a stipulation for dismissal or for Plaintiffs to file a first amended complaint.

13
14 Dated: April 6, 2022

GOLENBOCK EISEMAN ASSOR BELL &
PESKOE LLP

15
16 By: /s/ Jacqueline G. Veit
17 Jacqueline G. Veit*
18 *Appearing *Pro Hac Vice*
19 Attorneys for Plaintiffs,
DR. HERMAN TULL, PH.D. and
DR. LEKHA TULL, DDS.

20 Dated: April 6, 2022

NEWMEYER & DILLION LLP

21
22 By: /s/ C. Kendie Schlecht
23 Michael B. McClellan
24 C. Kendie Schlecht
25 Co-Counsel for Plaintiffs,
26 DR. HERMAN TULL, PH.D. and
27 DR. LEKHA TULL, DDS.
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Dated: April 6, 2022

GREENBERG GROSS LLP

By: /s/ Deborah Susan Mallgrave
Deborah Susan Mallgrave
Attorney for Defendant MICHAELA
HIGGINS

Dated: April 6, 2022

GIBBS LAW GROUP LLP

By: /s/ Karen Barth Menzies
Karen Barth Menzies
Co-counsel for Defendant MICHAELA
HIGGINS

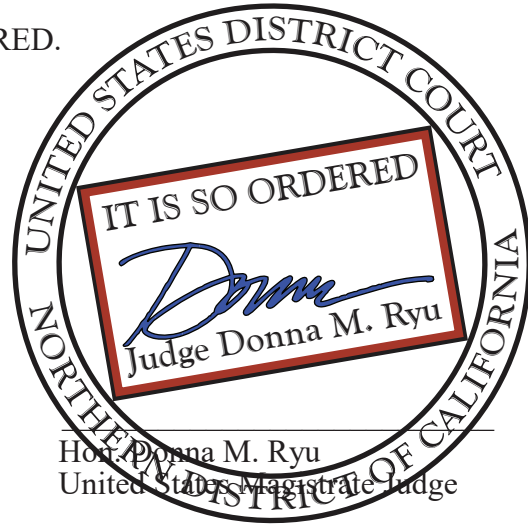


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ORDER

Pursuant to Stipulation, it is SO ORDERED.

DATED: April 6, 2022



Hon. Donna M. Ryu
United States Magistrate Judge

**NEWMAYER
DILLION**

FILER ATTESTATION

In accordance of Civil L.R. 5-1(h)(3), I hereby attest that each of the other Signatories have concurred in the filing of this document, which shall serve in lieu of their signatures on the document. I declare under penalty of perjury under the laws of the United States of America and the State of California that the foregoing is true and correct. Executed on this 6th day of April, 2022 at Irvine, California.

/s/ C. Kendie Schlecht
C. Kendie Schlecht



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