

1 RICHARD J. IDELL (SBN 069033)
 2 ORY SANDEL (SBN 233204)
 3 IDELL & SEITEL LLP
 4 465 California Street, Suite 300
 5 San Francisco, CA 94104
 6 Telephone: (415) 986-2400
 7 Facsimile: (415) 392-9259
 8 *Attorneys for Plaintiffs*

9 KEITH KANDARIAN (SBN 81290)
 10 TOBIN & TOBIN
 11 500 Sansome Street, Eighth Floor
 12 San Francisco, CA 94111-3214
 13 Telephone: (415) 433-1400
 14 Facsimile: (415) 433-3883
 15 *Attorneys for Defendant Jerry Garcia Estate, LLC*

16 ERIC DONEY (SBN 76260)
 17 LAWRENCE K. ROCKWELL (SBN 72410)
 18 ERIC A. HANDLER (SBN 224637)
 19 DONAHUE GALLAGHER WOODS LLP
 20 591 Redwood Hwy, Suite 1200
 21 Mill Valley, CA 94941-6000
 22 Telephone: (415) 381-4161
 23 Facsimile: (415) 381-7515
 24 *Attorneys for Defendant Jerry Garcia Family LLC*

25 **UNITED STATES DISTRICT COURT**
 26 **NORTHERN DISTRICT OF CALIFORNIA**

27 SUSAN MORA, as Trustee of The Merl Saunders
 28 Trust; MERL SAUNDERS, JR., as Trustee of The
 Merl Saunders Trust; and ANTHONY
 SAUNDERS WASHINGTON, as Trustee of The
 Merl Saunders Trust,

Plaintiffs,

v.

JERRY GARCIA ESTATE, LLC, a California
 limited liability company; JERRY GARCIA
 FAMILY LLC, a California limited liability
 company; and DOES 1 through 1000, inclusive,
 Defendants.

CASE NO. 5:08-CV-05772-PVT

**STIPULATION RE: FURTHER EXTENSION
 OF TIME TO SERVE SUMMONS AND
 COMPLAINT;**

[XXXXXXXXXXXXX] **ORDER**

Honorable Patricia V. Trumbull

1 This Stipulation is entered into by and between SUSAN MORA, as Trustee of The Merl
2 Saunders Trust; MERL SAUNDERS, JR., as Trustee of The Merl Saunders Trust; and ANTHONY
3 SAUNDERS WASHINGTON, as Trustee of The Merl Saunders Trust (collectively "Plaintiffs"), on the
4 one hand, and JERRY GARCIA ESTATE, LLC, a California limited liability company, and JERRY
5 GARCIA FAMILY, LLC, a California limited liability company (collectively "Defendants"), on the
6 other hand. Plaintiffs and Defendants may be referred to herein severally as a "Party" or jointly as the
7 "Parties."

8 This Stipulation is made with reference to the following recitals:

9 1. On December 29, 2008 (the "Filing Date"), Plaintiffs filed this action naming as
10 defendants herein JERRY GARCIA ESTATE, LLC, a California limited liability company, and JERRY
11 GARCIA FAMILY, LLC, a California limited liability company, as well as Doe defendants.

12 2. Pursuant to Rule 4(m) of the Federal Rules of Civil Procedure, the Summons and
13 Complaint must be served within one hundred twenty (120) days of the Filing Date, *i.e.*, by April 25,
14 2009.

15 3. On April 10, 2009, pursuant to stipulation of the parties, the Court ordered the last date to
16 serve the Summons and Complaint by forty-five (45) days, to June 9, 2009 and continued the Case
17 Management Conference until August 11, 2009 at 2:00 p.m., with all related dates adjusted accordingly.

18 4. Since April 10, 2009, counsel for Plaintiffs has conferred and corresponded with counsel
19 for Defendants and certain third parties, including members and managers of each of Defendants, who
20 Plaintiffs may seek to name as substituted "Doe defendants," regarding settlement of this action.

21 5. Pending the settlement negotiations, Plaintiffs have continued to refrain from serving the
22 Summons and Complaint.

23 6. The Parties have not yet concluded settlement negotiations and have mutually agreed to a
24 further extension of forty-five (45) days in which to serve the Summons and Complaint, to and including
25 July 24, 2009.

26 7. The Parties previously sought and agreed to the above-referenced forty-five day
27 extension of time to serve the Summons and Complaint. The Parties anticipate that the further time
28 modifications agreed to and requested herein will: (a) necessitate and justify a continuance of the Case

1 Management Conference currently scheduled by the Court for August 11, 2009; and (b) potentially save
2 the Court from expending further resources on this action should the Parties be successful in their
3 settlement negotiations.

4 NOW THEREFORE, subject to approval by the Court, the Parties agree as follows:

5 1.0 The foregoing recitals are hereby incorporated by this reference.

6 2.0 Plaintiffs shall have to and including July 24, 2009, to serve the Summons and Complaint
7 in this action.

8 3.0 The Case Management Conference currently scheduled for August 11, 2009, shall be
9 continued until September 29, 2009, at 2:00 p.m., or as soon thereafter as the Court may
10 schedule, with all related dates adjusted accordingly.

11 4.0 Plaintiffs shall file this Stipulation with the Court for an order thereon.

12 IDELL & SEITEL, LLP

13 Dated: June 5, 2009

14 By: /s/ Richard J. Idell
15 Richard J. Idell
16 Ory Sandel
17 *Attorneys for Plaintiffs*

18 TOBIN & TOBIN

19 Dated: June 5, 2009

20 By: /s/ Keith Kandarian
21 Keith Kandarian
22 *Attorneys for Defendant Jerry Garcia Estate, LLC*

23 DONAHUE GALLAGHER WOODS LLP

24 Dated: June 5, 2009

25 By: /s/ Eric A. Handler
26 Eric Doney
27 Lawrence K. Rockwell
28 Eric A. Handler
Attorneys for Defendant Jerry Garcia Family LLC

[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: June 11, 2009



HONORABLE PATRICIA V. TRUMBULL
UNITED STATES CHIEF MAGISTRATE JUDGE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE

I am employed in the City and County of San Francisco, State of California in the office of a member of the bar of this court at whose direction the following service was made. I am over the age of eighteen years and not a party to the within action. My business address is Idell & Seitel, LLP 465 California Street, Suite 300, San Francisco, California 94104.

On June 8, 2009, I served the following document(s):

STIPULATION RE: FURTHER EXTENSION OF TIME TO SERVE SUMMONS AND COMPLAINT; [PROPOSED] ORDER

by regular **UNITED STATES MAIL** by placing a true and correct copy in a sealed envelope addressed as shown below. I am readily familiar with the practice of Idell & Seitel LLP for collection and processing of correspondence for mailing. According to that practice, items are deposited with the United States Postal Service at San Francisco, California on that same day with postage thereon fully prepaid. I am aware that, on motion of the party served, service is presumed invalid if the postal cancellation date or the postage meter date is more than one day after the date of deposit for mailing stated in this affidavit.

Keith Kandarian
Tobin & Tobin
500 Sansome Street, Eighth Floor
San Francisco, CA 94111-3214
Telephone: (415) 433-1400
Facsimile: (415) 433-3883
*Attorneys for Defendant Jerry Garcia
Estate, LLC*

Eric Doney
Lawrence K. Rockwell
Eric A. Handler
Donahue Gallagher Woods LLP
591 Redwood Hwy, Suite 1200
Mill Valley, CA 94941-6000
Telephone: (415) 381-4161
Facsimile: (415) 381-7515
Attorneys for Defendant Jerry Garcia Family LLC

I certify and declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and I executed this declaration at San Francisco, California.



Elise Stieren