

COBLENTZ, PATCH, DUFFY & BASS LLP
ONE FERRY BUILDING, SUITE 200, SAN FRANCISCO, CALIFORNIA 94111-4213
415.391.4800 · FAX 415.989.1663

1 RICHARD R. PATCH (State Bar No. 88049)
BRIAN J. SCHMIDT (State Bar No. 265937)
2 COBLENTZ, PATCH, DUFFY & BASS LLP
One Ferry Building, Suite 200
3 San Francisco, California 94111-4213
Telephone: 415.391.4800
4 Facsimile: 415.989.1663
Email: ef-rrp@cpdb.com
5 ef-bjs@cpdb.com

6 Attorneys for Plaintiff and Cross-Defendant
DMB ERSB LLC
7 and Cross-Defendants
DMB REALCO, LLC, DMB COMMUNITIES, LLC,
8 and DMB COMMUNITIES II, LLC

9 UNITED STATES DISTRICT COURT

10 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

11 DMB ERSB LLC, an Arizona limited liability
company,

12 Plaintiff,

13 v.

14 LONGWOOD SAN BENITO LLC, a
California limited liability company,

15 Defendant.

16 and

17 EL RANCHO SAN BENITO LLC, a
Delaware limited liability company,

18 Nominal Defendant.

19
20 LONGWOOD SAN BENITO LLC, a
California limited liability company,

21 Cross-Complainant,

22 v.

23 DMB REALCO, LLC, an Arizona limited
liability company, DMB COMMUNITIES
24 LLC, an Arizona limited liability company,
DMB COMMUNITIES II LLC, an Arizona
25 limited liability company, DMB ERSB LLC,
an Arizona limited liability company, and
26 DOES 1-50,

27 Cross-Defendants.
28

Case No. CV 09-02003 JW

**STIPULATION EXTENDING TIME TO
COMPLETE MEDIATION AND FOR
NOMINAL DEFENDANT EL RANCHO
SAN BENITO LLC TO RESPOND TO
THE COMPLAINT; [PROPOSED]
ORDER**

STIPULATION

WHEREAS Plaintiff and Cross-Defendant DMB ERSB LLC ("DMB") and Defendant and Cross-Complainant Longwood San Benito LLC ("Longwood") have reached a tentative settlement of this matter and are currently finalizing a Purchase and Sale Agreement that will form the basis of the final settlement; and

WHEREAS, in light of the foregoing, the parties believe that there is no present need for mediation or another form of alternative dispute resolution;

WHEREAS, in light of the foregoing, the parties also believe that there is no present need to resolve the dispute over who has authority to file an answer on behalf of Nominal Defendant El Rancho San Benito LLC;

THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between DMB and Longwood that the deadline to complete mediation should be extended by approximately 60 days, from May 19, 2010 to July 16, 2010; and

IT IS FURTHER STIPULATED AND AGREED by and between DMB and Longwood that the deadline for El Rancho San Benito LLC to file a response to the complaint should be extended by approximately 60 days, from June 1, 2010 to July 30, 2010.

IT IS SO STIPULATED.

DATED: May 6, 2010

COBLENTZ, PATCH, DUFFY & BASS LLP

I, Brian J. Schmidt, am the ECF User whose ID and password are being used to file this Stipulation and [Proposed] Order. Pursuant to General Order 45, I hereby attest that Margaret A. Crawford has concurred in this filing.

By: /s/ Brian J. Schmidt
Brian J. Schmidt
Attorneys for Plaintiff and Cross-Defendant
DMB ERSB LLC
and Cross-Defendants
DMB REALCO, LLC, DMB COMMUNITIES,
LLC, and DMB COMMUNITIES II, LLC

DATED: May 6, 2010

DLA PIPER LLP (US)

By: /s/ Margaret A. Crawford
Margaret A. Crawford
Attorneys for Defendant and Cross-Complainant
LONGWOOD SAN BENITO LLC

COBLENTZ, PATCH, DUFFY & BASS LLP
ONE FERRY BUILDING, SUITE 200, SAN FRANCISCO, CALIFORNIA 94111-4213
415.391.4800 • FAX 415.989.1663

STIPULATION

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

WHEREAS Plaintiff and Cross-Defendant DMB ERSB LLC ("DMB") and Defendant and Cross-Complainant Longwood San Benito LLC ("Longwood") have reached a tentative settlement of this matter and are currently finalizing a Purchase and Sale Agreement that will form the basis of the final settlement; and

WHEREAS, in light of the foregoing, the parties believe that there is no present need for mediation or another form of alternative dispute resolution;

WHEREAS, in light of the foregoing, the parties also believe that there is no present need to resolve the dispute over who has authority to file an answer on behalf of Nominal Defendant El Rancho San Benito LLC;

THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between DMB and Longwood that the deadline to complete mediation should be extended by approximately 60 days, from May 19, 2010 to July 16, 2010; and

IT IS FURTHER STIPULATED AND AGREED by and between DMB and Longwood that the deadline for El Rancho San Benito LLC to file a response to the complaint should be extended by approximately 60 days, from June 1, 2010 to July 30, 2010.

IT IS SO STIPULATED.

DATED: May _____, 2010

COBLENTZ, PATCH, DUFFY & BASS LLP

By: _____
Brian J. Schmidt
Attorneys for Plaintiff and Cross-Defendant
DMB ERSB LLC
and Cross-Defendants
DMB REALCO, LLC, DMB COMMUNITIES,
LLC, and DMB COMMUNITIES II, LLC

DATED: May 6, 2010

DLA PIPER LLP (US)

By: 
Margaret A. Crawford
Attorneys for Defendant and Cross-Complainant
LONGWOOD SAN BENITO LLC

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

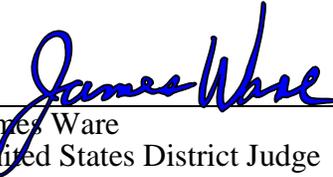
[PROPOSED] ORDER

Pursuant to the parties' stipulation:

1. The deadline for the parties to complete mediation is hereby extended to July 16, 2010.
2. The deadline for Nominal Defendant El Rancho San Benito LLC to respond to the complaint is hereby extended to July 30, 2010.

IT IS SO ORDERED.

Dated: May 10, 2010


James Ware
United States District Judge