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DMB ERSB LLC and Cross-Defendants
7 DMB REALCO, LLC, DMB COMMUNITIES,
LLC, and DMB COMMUNITIES II, LLC

8 **UNITED STATES DISTRICT COURT**

9 **NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION**

10 DMB ERSB LLC, an Arizona limited liability
11 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 LONGWOOD SAN BENITO LLC, a
20 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
DOES 1-50,

26 Cross-Defendants.
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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 the details of a complex 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; and

WHEREAS, in light of the tentative settlement, the Court entered an order on June 28, 2010 extending certain case management deadlines and requiring the parties to file a joint status statement by August 13, 2010 if the case has not settled by that time; and

WHEREAS the Court's June 28 order did not vacate the existing deadlines for the parties to complete mediation and for El Rancho San Benito LLC to file its answer,

THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between DMB and Longwood that the deadline to complete mediation should be extended by 60 days, from July 16, 2010 to September 14, 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 60 days, from July 30, 2010 to September 28, 2010.

IT IS SO STIPULATED.

DATED: July 13, 2010

COBLENTZ, PATCH, DUFFY & BASS LLP

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

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DATED: July 12, 2010

DLA PIPER LLP (US)

By: /s/ Matthew S. Covington
Matthew S. Covington
Attorneys for Defendant and Cross-Complainant
LONGWOOD SAN BENITO LLC

~~PROPOSED~~ **ORDER**

Pursuant to the parties' stipulation:

1. The deadline for the parties to complete mediation is hereby extended to September 14, 2010.
2. The deadline for Nominal Defendant El Rancho San Benito LLC to respond to the complaint is hereby extended to September 28, 2010.

IT IS SO ORDERED.

Dated: July 19, 2010

James Ware
James Ware
United States District Judge