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9 **UNITED STATES DISTRICT COURT**  
 10 **NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION**

11 CITY OF SUMMERSIDE, Prince Edward  
 12 Island, Canada,

13 Plaintiff,

14 v.

15 KATRINA BERG SUSSMEIER, FRANK  
 DILEO, MARK LAMICA, QUINCY  
 16 KRASHNA, as individuals, STARLINK  
 PRODUCTIONS, LLC, STARLINK  
 17 PRODUCTIONS, INC.; DLM  
 MANAGEMENT GROUP, INC.; DILEO  
 18 ENTERTAINMENT & TOURING INC.;  
 DILEO ENTERTAINMENT, INC.; DILEO  
 19 LAMICA MANAGEMENT GROUP; DLM  
 GROUP  
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21 Defendants.  
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Case No. CV11-00338-EJD

**STIPULATION AND [PROPOSED]**  
**ORDER RE BRIEFING SCHEDULE FOR**  
**DILEO MOTION TO DISMISS**

Hon. Edward J. Davila

Crtrm.: 1

Trial Date: Not set

1 Plaintiff City of Summerside (“Summerside”) and Defendants Frank Dileo,  
2 Dileo Entertainment & Touring, Inc., and Dileo Entertainment, Inc. (“Dileo  
3 Defendants”), through their respective undersigned counsel, hereby stipulate and  
4 request entry of an order of the Court as follows:

5 WHEREAS, on June 16, 2011, Defendant Frank Dileo filed a Motion to  
6 Dismiss pursuant to F.R.C.P. 12(b)(6), currently set for hearing on January 6, 2012 ;

7 WHEREAS, Summerside’s opposition to the Motion to Dismiss is currently  
8 due to be served and filed on June 30, 2011;

9 WHEREAS, the Dileo Defendants have agreed that Summerside may  
10 respond to the Dileo Defendants’ Motion to Dismiss at any time prior to August 1,  
11 2011, and Frank Dileo may file a reply brief at any time by August 15, 2011;

12 NOW, THEREFORE, the Parties hereby agree and stipulate as follows:

13 1. Summerside’s response to the motion to dismiss filed by Frank  
14 Dileo shall be filed and served on or before August 1, 2011;

15 2. Frank Dileo may file and serve a reply brief on or before August  
16 15, 2011.

17 Dated: June 21, 2011

KENDALL BRILL & KLIEGER LLP

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By: /s/  
Nicholas F. Daum  
Attorneys for Defendants Loring Ward,  
Inc. and Robert Philpott

1 Dated: June \_\_, 2011

THE MOORE LAW TEAM

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By: /s/  
Nicole V. Economou  
Attorneys for Defendants Frank Dileo,  
Dileo Entertainment & Touring, Inc., and  
Dileo Entertainment, Inc.

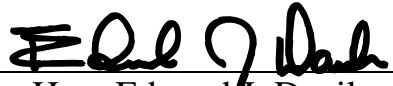
~~FROM~~  
**[PROPOSED] ORDER**

1. Summerside's response to the motion to dismiss filed by Frank Dileo shall be filed and served on or before August 1, 2011.

2. Frank Dileo may file and serve a reply brief on or before August 15, 2011.

**IT IS SO ORDERED**

Dated: June 30, 2011

  
\_\_\_\_\_  
Hon. Edward J. Davila  
Judge, United States District Court