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Attorneys for Plaintiff and Counter-Claim Defendant  
7 MARBLE BRIDGE FUNDING GROUP, INC.

8 UNITED STATES DISTRICT COURT  
9  
10 NORTHERN DISTRICT OF CALIFORNIA  
11 SAN JOSE DIVISION

12 MARBLE BRIDGE FUNDING GROUP,  
13 INC.,

14 Plaintiff,

15 vs.

16 NATURE'S OWN PHARMACY, LLC, et  
al.,

17 Defendants.  
18

19 MARBLE BRIDGE FUNDING GROUP,  
INC.,

20 Plaintiff,

21 vs.

22 EULER HERMES AMERICAN CREDIT  
23 INDEMNITY COMPANY,

24 Defendant.  
25

26 EULER HERMES AMERICAN CREDIT  
INDEMNITY COMPANY,

27 Counterclaim Plaintiff,  
28

Case Nos.: 5:12-CV-01839-EJD; 5:12-CV-  
02729-EJD

**STIPULATION AND ~~PROPOSED~~  
ORDER TO EXTEND DEADLINE TO  
COMPLETE EARLY NEUTRAL  
EVALUATION ("ENE") AND  
RESCHEDULE CASE MANAGEMENT  
CONFERENCE**

BN 14217361v2

STIPULATION AND ~~PROPOSED~~ ORDER RE ENE

1 vs.

2 NATURE'S OWN PHARMACY, LLC,  
3 RICHARD WALLACE; RICHARD  
4 WALLACE, et al.,

5 Counterclaim Defendants.

6 Pursuant to Civil Local Rule 6-1(b) and ADR Local Rule 5-5, Plaintiff and Counter-Claim  
7 Defendant Marble Bridge Funding Group ("Marble Bridge") and Defendant and Counter-Claim  
8 Plaintiff Euler Hermes American Credit Indemnity Company (now known as Euler Hermes North  
9 America Insurance Company) ("Euler Hermes"), by and through their respective counsel, hereby  
10 stipulate and agree, and request the Court to so order, that the deadline for completing the Early  
11 Neutral Evaluation be extended from the present deadline of July 12, 2013 to a date no earlier  
12 than October 11, 2013 with a corresponding extension of the CMC now set for June 28, 2013.

13 Good cause exists to extend the deadline for completing the ENE. Both parties have  
14 recently substituted new counsel. On April 5, 2013, Marble Bridge consented to the substitution  
15 of Buchalter Nemer as its counsel. On December 5, 2012, Meckler Burger substituted as counsel  
16 for Defendant and Counterclaim Plaintiff Euler Hermes. On December 5, 2012, Halperin  
17 Battaglia Raicht LLP also substituted as counsel for Euler Hermes.

18 Both parties believe that preliminary discovery, which the parties have started, is  
19 necessary to make the ENE and CMC fruitful and expect to be able to complete the necessary  
20 preliminary discovery by October 1, 2013. Generally, this case involves claims by a lender  
21 against a credit insurer as a beneficiary under a policy issued by Euler Hermes. Many of the  
22 participants in the underlying credit arrangement, other than the stipulating parties, are being  
23 criminally prosecuted for defrauding various lenders. In order to evaluate various contentions  
24 sufficient to have a meaningful ENE, Marble Bridge believe it is necessary to depose certain  
25 witnesses about the insurer's actions, communications, and defenses regarding the insurance  
26 claim and conduct some basic written discovery. Euler Hermes responded to Marble Bridge's  
27 first request for production and produced documents on May 31, 2013 and the production is  
28 currently being analyzed. Marble Bridge is considering amending the complaint but needs

1 additional information first.

2 Likewise, Euler Hermes seeks to depose various individuals who have either been the  
3 focus of the criminal proceedings or are the witnesses to the alleged criminal activity, mainly  
4 located in Florida including at least one person who is incarcerated. Coordination with numerous  
5 other parties will likely be necessary because the witnesses are the focus of various civil and  
6 criminal matters and may object to multiple depositions. Euler also anticipates serving written  
7 discovery as a necessary foundation for a meaningful ENE.

8 Counsel for both parties have engaged in several informal conversations in an effort to  
9 coordinate their discovery efforts with the goal of having a meaningful ENE and CMC. This is  
10 the second request to extend the CMC and fourth request to extend this deadline for the ENE, and  
11 the parties believe the extensions will have no overall effect on the administration of this case.  
12

13 Dated: June 18, 2013

BUCHALTER NEMER

14  
15 By: /s/ Randall L. Manvitz  
16 Randall L. Manvitz  
17 Attorney for Plaintiff and Counter-Claim  
18 Defendant MARBLE BRIDGE FUNDING  
GROUP

19 Dated: June 18, 2013

HALPERIN BATTAGLIA RAICHT, LLP

20  
21 By: /s/ Neal W. Cohen  
22 Neal W. Cohen  
23 Attorney for Defendant and Counter-Claim  
24 Plaintiff EULER HERMES AMERICAN  
25 CREDIT INDEMNITY COMPANY now  
26 known as EULER HERMES NORTH  
27 AMERICA INSURANCE COMPANY  
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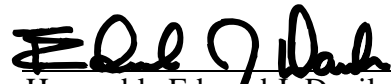
**ORDER**

PURSUANT TO THE PARTIES' STIPULATION, IT IS ORDERED AS FOLLOWS:

1. The deadline for completing the Early Neutral Evaluation is extended from the present deadline of July 12, 2013 to October 11, 2013.
2. The Case Management Conference is rescheduled from June 28, 2013 to October 18, 2013. The parties shall file an updated Joint Case Management Statement on or before October 11, 2013. This is the final extension of these deadlines.

**IT IS SO ORDERED.**

Dated: June 20, 2013



Honorable Edward J. Davila  
Judge of the Northern District Court