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UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

**\*E-FILED - 6/18/14\***

KEITH CHARLES KNAPP, as Trustee of  
the California Home Loans Profit Sharing  
Plan; TRUST FOR THE  
CALIFORNIA HOME LOANS  
PROFIT SHARING PLAN, as a fiduciary  
of the California Home Loans Profit Sharing  
Plan; THERESE A. LAVOIE, as a  
participant in the California Home Loans  
Profit Sharing Plan,  
  
Plaintiffs,  
  
v.  
  
NOREEN CARDINALE, an individual,  
  
Defendant.

**CASE NO. C 12-05076-RMW-HRL**  
  
**STIPULATION AND [ ]**  
**ORDER TO CONTINUE HEARING ON**  
**DEFENDANT'S MOTION FOR**  
**TEMPORARY STAY OF**  
**PROCEEDINGS, TO CONTINUE**  
**PRETRIAL CONFERENCE, AND TO**  
**CONTINUE TRIAL**  
  
**Hon. Ronald M. Whyte**  
  
**Pre-Trial Conf.: July 3, 2014**  
**Trial Date: July 28, 2014**  
  
**Hearing Date: June 20, 2014**  
**Hearing Time: 9:00 a.m.**  
**Courtroom 6 – 4th Floor**

NOREEN CARDINALE,  
  
Plaintiff,  
  
v.  
  
DANIEL R. MILLER JR.; PATRICE  
MILLER, his spouse; DANIEL R. MILLER  
SR.; PASHLIN INC., a California  
corporation; DERALD R. KENOYER;  
KEITH CHARLES KNAPP; HOME LOAN  
SERVICES CORPORATION dba  
CALIFORNIA  
HOME LOANS, a California Corporation;  
and DOES 1 through 100, inclusive  
  
Defendants.

**RELATED CASE NO. C 12-05078-RMW**  
  
**(Remanded Pursuant to Order Dated**  
**February 15, 2013)**

1 Pursuant to Civil L.R. 6-2 and 7-12, Plaintiffs Keith Charles Knapp, as Trustee of the  
2 California Home Loans Profit Sharing Plan, the Trust for the California Home Loans Profit  
3 Sharing Plan, as a fiduciary of the California Home Loans Profit Sharing Plan, Therese A. Lavoie,  
4 as a participant in the California Home Loans Profit Sharing Plan, and Defendant Noreen  
5 Cardinale hereby stipulate and request the following: i) that the hearing on Defendant Noreen  
6 Cardinale's Motion for Temporary Stay of Proceedings ("Motion to Stay") (Doc. 101), currently  
7 set for June 20, 2014, be continued until August 1, 2014; ii) that the pretrial conference, currently  
8 set for July 3, 2014, be continued until August 7, 2014; and iii) that trial, currently set for July 28,  
9 2014, be continued until August 25, 2014. The parties note that Defendant intends to timely file  
10 her reply to Plaintiffs' opposition to the Motion to Stay because such reply was completed prior to  
11 the time that the parties reached agreement regarding the instant stipulation.

12 Defendant's motion seeks to stay this action brought pursuant to the Employee  
13 Retirement Income Security Act of 1974, as amended. (*See* Declaration of Joseph A. Garofolo  
14 ("Garofolo Decl.") ¶ 3 filed concurrently herewith). Although Plaintiffs oppose any stay relating  
15 to this action, after Plaintiffs' counsel conferred with counsel for the trustee appointed in the  
16 matter of the bankruptcy of Keith Charles Knapp (also a Plaintiff in the case in his capacity as  
17 Trustee of the California Home Loans Profit Sharing Plan), the parties have agreed to stipulate to  
18 the requested relief set forth above. (*Id.* at ¶¶ 4-6). The reason for the requested continuances is  
19 so that the bankruptcy trustee may have additional time to determine whether she believes that it is  
20 appropriate to seek to intervene in the instant action and to further evaluate her position with  
21 regard to Defendant's Motion to Stay. (*See id.* at ¶¶ 5-6).

22 The trial and pretrial conference previously have been continued three times. (*See*  
23 Stipulation and Order dated February 13, 2014 (Doc. 91); Order dated March 12, 2014 (Doc. 97);  
24 Order dated June 5, 2014 (Doc. 107)). This stipulation will have the effect on the case of  
25 continuing the pretrial conference for five weeks and trial for approximately one month. (*See*  
26 Garofolo Decl. ¶ 8).

27 IT IS SO STIPULATED AND AGREED.  
28

1 June 13, 2014

/s/ Michael L. Boli

2 Michael L. Boli  
3 Attorney for Defendant/Judgment Creditor Noreen  
4 Cardinale

4 June 13, 2014

/s/ Joseph A. Garofolo

5 Joseph A. Garofolo  
6 Attorney for Plaintiffs Keith Charles Knapp, as Trustee of  
7 the California Home Loans Profit Sharing Plan, the Trust  
8 for the California Home Loans Profit Sharing Plan, as a  
9 fiduciary of the California Home Loans Profit Sharing  
10 Plan, and Therese A. Lavoie, as a participant in the  
11 California Home Loans Profit Sharing Plan

10 **ORDER**

11 Pursuant to the Stipulation, and good cause appearing, the Court orders the following:

- 12 i) the hearing on Defendant's Motion to Stay, currently set for June 20, 2014, is vacated and reset  
13 to August 1, 2014, at 9:00 A.M.; ii) the pretrial conference, currently set for July 3, 2014, is  
14 vacated and reset to August 7, 2014, at 2:00 P.M.; and iii) trial, currently set for July 28, 2014, is  
15 vacated and reset to August 25, 2014, at 1: