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EMMANUEL R. SABINO

23 UNITED STATES DISTRICT COURT
24 NORTHERN DISTRICT OF CALIFORNIA
25 SAN JOSE DIVISION
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1 AOL INC.,

2 Plaintiff,

3 vs.

4 NOEL B. TICZON and EMMANUEL R.
5 SABINO,

6 Defendants.

Case No. 5:14-cv-02382 PSG

STIPULATION AND ~~PROPOSED~~
ORDER TO STAY PROCEEDINGS IN
LIGHT OF PENDING CRIMINAL
PROCEEDINGS

[Fed. R. Civ. P. 26(a)]

7
8 TO THE HONORABLE COURT AND ALL PARTIES AND THEIR
9 ATTORNEYS OF RECORD:

10 Plaintiff AOL INC. (“AOL”) and Defendants NOEL B. TICZON (“Ticzon”) and
11 EMANUEL R. SABINO (“Sabino”) (collectively, the “Parties”), by and through their
12 respective counsel of record, enter into the following stipulation:

13 WHEREAS, Plaintiff AOL filed a Complaint against former AOL employees
14 Ticzon and Sabino in the above-captioned matter on May 22, 2014 alleging the following
15 causes of action: (1) Common Law Fraud; (2) Statutory Fraud; (3) Common Law
16 Conversion; and (4) Statutory Conversion (the “Complaint”);

17 WHEREAS, Defendants Ticzon and Sabino filed their Answers to the Complaint on
18 September 23, 2014 and both asserted the privilege against self-incrimination under the
19 United States Constitution, Amendment V as to various substantive allegations in the
20 Complaint;

21 WHEREAS, on February 27, 2015, the Santa Clara County District Attorney filed
22 charges against both Defendants Ticzon and Sabino for grand theft by an employee with
23 enhancements for aggravated white color crime and excessive taking. Both Defendants
24 were arrested and booked on these charges on February 27, 2015;

25 WHEREAS, the criminal case involves the same facts and circumstances that give
26 rise to the Complaint and resolution of the criminal case may result in the Parties efficiently
27 resolving the civil action, or eliminate issues in dispute in the civil action;

1 WHEREAS, the Court has set a Pretrial Conference in the above-captioned matter
2 for April 21, 2015 and trial for May 4, 2015;

3 NOW, THEREFORE, in light of the foregoing, the Parties stipulate, agree, and
4 request that:

5 1. This matter is stayed during the pendency of the criminal proceedings
6 against Defendants.

7 2. That the Parties will return to Court on June 30, 2015, to provide the Court
8 with an update on the status of the criminal proceedings. If such proceedings are still
9 pending, the Parties may file a joint status conference statement, providing for a further
10 continuance of a status and scheduling conference.

11 Dated: March 11, 2015

12 PILLSBURY WINTHROP SHAW PITTMAN LLP

13
14 By /s/ Paula M. Weber
15 Paula M. Weber
16 Attorneys for Plaintiff
AOL Inc.

17 Dated: March 11, 2015

18 JACHIMOWICZ, POINTER & EMANUEL,
19 ATTORNEYS AT LAW, INC.

20 By /s/ Joel P. Waelty
21 Joel P. Waelty
22 Attorneys for Defendant
NOEL B. TICZON

23 Dated: March 11, 2015

24 LAW OFFICE OF DAVID KRAFT

25
26 By /s/ David Kraft
27 David Kraft
28 Attorneys for Defendant
EMMANUEL R. SABINO

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ORDER


Having consider Plaintiff AOL Inc. and Defendant Noel B. Ticzon and Emanuel R. Sabino's Stipulation to Stay Proceedings in light of the pending criminal proceedings, and finding good cause therefore,

It is HEREBY ORDERED:

1. This matter is stayed during the pendency of the criminal proceedings.
2. That the Parties will return to Court on June 30, 2015, to provide the Court with an update on the status of the criminal proceedings. If such proceedings are still pending, the Parties may file a joint status conference statement, providing for a further continuance of a status and scheduling conference.

PURSUANT TO STIPULATION IT IS SO ORDERED.

Dated: March 13, 2015



Honorable Paul Singh Grewal
United States Magistrate Judge