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6 Attorneys for Plaintiff and Counter-Defendant  
 JOINT VENTURE PARTNERS  
 7 INTERNATIONAL, INC., and for  
 Counter-Defendants JAY DEE SHIVERDAKER  
 8 and AMERICAN MEDICAL REVENUE, LLC

9  
 10 UNITED STATES DISTRICT COURT  
 11 NORTHERN DISTRICT OF CALIFORNIA

12 JOINT VENTURE PARTNERS  
 13 INTERNATIONAL, INC., a Wyoming  
 14 corporation;

15 Plaintiff,

16 v.

17 IAN CLYNE, an individual; and DOES 1-30,  
 18 inclusive,

19 Defendants.

20 \_\_\_\_\_  
 21 IAN CLYNE, an individual;

22 Cross-Complainant,

23 v.

24 JOINT VENTURE PARTNERS  
 25 INTERNATIONAL, INC., a Wyoming  
 corporation; JAY DEE SHIVERDAKER, an  
 26 individual and as successor-in-interest to  
 AMERICAN MEDICAL REVENUE, LLC;  
 27 and DOES 1-25, inclusive,

28 Cross-Defendants.

Case No. 5:17-cv-02515-EJD

**STIPULATION TO AND [PROPOSED]  
 ORDER CONTINUING PENDING  
 DEADLINES**

Civil L.R. 6.2(a)

1 Pursuant to Civil Local Rule 6-2(a), Plaintiff and Cross-Defendant Joint Venture Partners  
2 International, Inc. (“JVP”), Cross-Defendant Jay Dee Shiverdaker, Cross-Defendant American  
3 Medical Revenue, LLC (“AMR”), and Defendant and Cross-Complainant Ian Clyne, by and  
4 through their respective counsel of record, respectfully request that the Court enter the following  
5 stipulation to continue the deadline to complete mediation and the date of the Initial Case  
6 Management Conference:

7 **Background**

8 Plaintiff JVP initiated this action on March 8, 2017 in California Superior Court, Napa  
9 County. Defendant and Cross-Complainant Clyne removed the action to the U.S. District Court  
10 for the Northern District of California, on May 2, 2017.

11 This case was initially assigned to Magistrate Judge Elizabeth D. Laporte, who issued an  
12 order on May 3, 2017 (ECF No. 5) setting various ADR deadlines. The matter was reassigned to  
13 the Honorable Edward J. Davila. In the spring and early summer the Parties sought and obtained  
14 a few extensions to respond to the cross-complaint (*see* Dkt. Nos. 16, 19 and 21), during which  
15 time all parties agreed that they were amenable to attempting to resolve this matter via early  
16 private mediation as indicated in their respective ADR certifications to the Court. Accordingly,  
17 the parties were ordered to complete mediation by October 11, 2017. (ECF No. 25).

18 To meet this deadline and to avoid having the burden and expense of litigation detract  
19 from their settlement efforts, the parties sought a court order (*See* ECF No. 26) further extending  
20 the deadline to respond to the cross-complaint and continuing the initial case management  
21 hearing for the first time. The Court granted that order on July 20, 2017. (ECF No. 27). On July  
22 24, 2017, the Court issued an additional order resetting the date of the Initial Case Management  
23 Conference. Accordingly, the following dates are set in this matter:

24	Last Day to Complete Mediation	October 10, 2017
25	Last Day to File Response to Cross-Complaint	October 17, 2017
26	Last day to Exchange Initial Disclosures and File Joint	October 19, 2017
27	Case Management Statement	
28	Initial Case Management Conference	November 9, 2017

1 **Stipulation and Request For Continuance**

2 The parties hereby stipulate to and agree to seek, via this stipulation and proposed  
3 order, a two month continuance on each of these deadlines. Good cause exists for this  
4 continuance. Mario Moya, lead counsel for Defendant and Cross-Complainant, recently  
5 experienced an unexpected death in his immediate family. Specifically, on August 18,  
6 2017, Mr. Moya’s younger brother unexpectedly passed away at the age of 21. His family  
7 is based on the East Coast, where Mr. Moya is presently and for the foreseeable future.  
8 Moya Law, Mr. Moya’s law firm, consists of himself, and two of counsel attorneys,  
9 Rebecca Hoberg and Zeenat Basrai. Of the three attorneys only, Mr. Moya and Mrs.  
10 Hoberg have worked on the matter. Mrs. Hoberg is also Mr. Moya’s spouse, as they were  
11 recently married on July 29, 2017, and accordingly, Mrs. Hoberg’s time and attention is  
12 also on the Moya family.

13 Accordingly, the parties hereby ask that the Court continue each of the above deadlines  
14 by two months to afford Mr. Moya time need to attend to his personal affairs. Pursuant to such  
15 an order, the following deadlines would apply:

16	Last Day to Complete Mediation	December 10, 2017
17	Last Day to File Response to Cross-Complaint	December 17, 2017
18	Last day to Exchange Initial Disclosures and File Joint	
19	Case Management Statement	December 19, 2017
20	Initial Case Management Conference	January 9, 2018

21  
22 **IT IS SO STIPULATED.**

23 Respectfully submitted,

24  
25 DATED: August 19, 2017

DONAHUE FITZGERALD LLP

26 */s/ Casey Williams*

27 Casey Williams

28 Attorneys for Plaintiff & Cross-Defendants

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DATED: August 19, 2017

The LAW OFFICE OF MARIO A. MOYA

/s/ Mario A. Moya

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Mario A. Moya

Attorneys for Defendant & Cross-Complainant

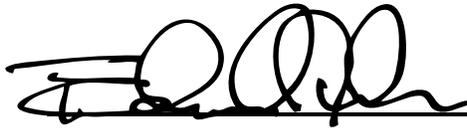
*[Proposed Order Follows per Civ. L. R. 7-12]*

**[PROPOSED] ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: September 11, 2017

HON. EDWARD DAVILA



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U.S. District Judge  
Northern District of California