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 7 IAN CLYNE

8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA

10 JOINT VENTURE PARTNERS
 11 INTERNATIONAL, INC., a Wyoming
 12 corporation;

13 Plaintiff,

14 v.

15 IAN CLYNE, an individual; and DOES 1-30,
 16 inclusive,

17 Defendants.

18 _____
 19 IAN CLYNE, an individual;

20 Cross-Complainant,

21 v.

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

26 Cross-Defendants.
 27 _____
 28 _____

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

STIPULATION TO EXTEND PENDING DEADLINES

Civil L.R. 6.2(a)

1 Pursuant to Civil Local Rule 6-2(a) — and in light of continuing settlement discussions
2 following a full-day mediation — Plaintiff and Cross-Defendant Joint Venture Partners
3 International, Inc. (“JVP”), Cross-Defendant Jay Dee Shiverdaker, Cross-Defendant American
4 Medical Revenue, LLC (“AMR”), and Defendant and Cross-Complainant Ian Clyne, by and
5 through their respective counsel of record, respectfully request that the Court enter the following
6 stipulation to continue the date of the Case Management Conference and all pending deadlines,
7 including the deadline to file a responsive pleading, to exchange initial disclosures, and to hold a
8 Rule 26(f) conference.

9 **Background**

10 Plaintiff JVP initiated this action on March 8, 2017 in the California Superior Court for
11 Napa County. Defendant and Cross-Complainant Clyne removed the action to the U.S. District
12 Court for the Northern District of California, on May 2, 2017, after asserting federal copyright
13 causes of action as cross claims.

14 This case was initially assigned to Magistrate Judge Elizabeth D. Laporte, who issued an
15 order on May 3, 2017 (Dkt No. 5) setting various ADR deadlines. The matter was reassigned to
16 the Honorable Edward J. Davila, and on May 22, 2017, Judge Davila issued an order setting
17 additional disclosure and case management deadlines. The parties were engaged in meaningful
18 meet-and-confer discussions at the time about matters that may affect the Cross-Defendants’
19 representation and filed three stipulations to extend the time to respond to the cross-complaint
20 (*see* Dkt. Nos. 16, 19 and 21). In addition, to further these discussions and attempt to informally
21 resolve the case, the parties agreed to engage in early private mediation. To this end, and also as
22 a result of unusual personal matters relating to counsel for Defendant, the parties requested and
23 the Court granted an extension to complete mediation until December 10, 2017 and further
24 continued the case management conference until January 11, 2018. (*See* Dkt. Nos. 30 & 31).

25 The parties wish to report that they have participated in a full-day private mediation on
26 November 28, 2017 before Carol Kingsley. Ms. Kingsley continues to assist the parties with
27 ongoing mediation services, and the parties are currently engaged in productive settlement
28 discussions. The parties have made significant progress toward resolution and do not wish for

1 pending deadlines to interfere with their efforts to resolve the dispute amicably. The subject
2 matter at issue in this litigation is technical and complex, and more time is needed to allow
3 further settlement negotiations between the parties. In addition, the parties believe that
4 substantive litigation at this juncture will significantly impede any possibility of early settlement
5 between the parties.

6 **Stipulation**

7 Based on these facts, the Parties believe a continuance is necessary to give the Parties
8 adequate time to further settlement negotiations. The Parties believe a continuance would be in
9 the interest of judicial economy, conserve the Court's and the Parties' resources, and allow for a
10 more efficient and productive discussion with the Court at the Case Management Conference.

11 The Parties have met and conferred about these matters, and they have agreed to jointly
12 request the following continuances:

- 13 • The Parties stipulate to, and jointly request, a continuance of the Case
14 Management Conference to the earliest possible date after **February 15, 2018**,
15 subject to the convenience of the Court.
- 16 • The Parties stipulate to, and jointly request, a postponement of the deadlines for
17 filing initial disclosures, a Rule 26(f) report, and a Case Management Statement to
18 **January 23, 2018**.
- 19 • The parties stipulate to, and jointly request, that the time for the Cross-Defendants
20 to respond to the Cross-Complaint filed in this action be extended to **January 22,**
21 **2018**.

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