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17 UNITED STATES DISTRICT COURT  
18 EASTERN DISTRICT OF CALIFORNIA

19 \_\_\_\_\_ ) Case No. 1:10-cv-00306-OWW-JLT  
20 WEBQUEST.COM, INC. ) [Assigned to Hon. Oliver W. Wanger]

21 Plaintiff, )

22 v. )

23 HAYWARD INDUSTRIES, INC., )  
24 Defendant. )

25 **STIPULATION AND ORDER TO EXTEND  
26 CASE SCHEDULE;**

27 *Filed concurrently with Declarations of  
28 Scott S. Christie and Brett E. Lewis*

29 \_\_\_\_\_ )  
30 AND RELATED CROSS-ACTION ) **Discovery Cut-Off: January 13, 2011**  
31 \_\_\_\_\_ ) **Pretrial Conference: May 2, 2011**  
32 \_\_\_\_\_ ) **Trial Date: June 7, 2011**

33 Plaintiff WebQuest.com, Inc. (“WebQuest”) and Defendant Hayward Industries, Inc.  
34 (“Hayward”) jointly submit the following Joint Stipulation to Extend Case Schedule for approval by  
35 this Court.

36 **A. The Parties’ Diligent Pursuit of Discovery**

37 WHEREAS, on January 27, 2010 Plaintiff WebQuest.com, Inc. (“WebQuest”) brought this  
38 action against Defendant Hayward Industries, Inc. (“Hayward”) (collectively, the “Parties”), seeking,

1 *inter alia*, declaratory judgment that WebQuest is the rightful registrant of certain domain names; and  
2 on April 24, 2010, Hayward filed an Answer denying Plaintiff's allegations and Counterclaims  
3 asserting, *inter alia*, trademark and trade name infringement and unfair competition;

4 WHEREAS, the Parties have diligently pursued discovery and motion practice in this action  
5 within the time frames set by this Court in its July 1, 2010 Scheduling Order including the following:

6 1. On June 25, 2010, the Parties exchanged Initial Disclosures pursuant to Fed. R. Civ. P.  
7 26(a);

8 2. On June 30, 2010, WebQuest served Supplemental Initial Disclosures;

9 3. On July 1, 2010, Hayward served Supplemental Initial Disclosures;

10 4. On July 16, 2010, WebQuest propounded Requests for Production of Documents and  
11 Interrogatories to Hayward;

12 5. On August 16, 2010, Hayward propounded Requests for Production of Documents to  
13 WebQuest;

14 6. On August 19, 2010, Hayward served its responses and objections to WebQuest's  
15 Requests for Production of Documents and Interrogatories;

16 7. On September 7, 2010, WebQuest served its responses and objections to Hayward's  
17 Requests for Production and produced documents;

18 8. From September 22, 2010 to September 30, 2010, the Parties exchanged  
19 correspondence and held a meet and confer to resolve discovery disputes;

20 9. On October 29, 2010, Hayward produced documents pursuant to WebQuest's  
21 discovery requests;

22 10. On November 22, 2010, Hayward produced additional documents pursuant to  
23 WebQuest's discovery requests;

24 11. On November 26, 2010, WebQuest produced additional documents pursuant to  
25 Hayward's discovery requests; and

26 12. On December 20, 2010, Hayward produced its final production of documents pursuant  
27 to WebQuest's discovery requests.  
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1 **B. Grounds For The Parties' Requested Extension**

2 WHEREAS, Hayward anticipates additional discovery as follows:

3 1. Rule 30(b)(1) Deposition of Chad Wright and Rule 30(b)(6) Deposition of WebQuest  
4 in early February 2011 in Modesto, CA;

5 2. Subpoenas to third parties, including website content providers, website hosting  
6 providers, and website archiving depositories in the event the Parties cannot resolve certain  
7 discovery issues by stipulation; and

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12 3. Additional written discovery, including Requests for Admissions, as may be necessary  
13 following Hayward depositions of WebQuest deponents.

14 WHEREAS, WebQuest anticipates additional discovery as follows:

15 1. Rule 30(b)(6) Deposition of Hayward in February 2011 in New York, NY; and

16 2. Subpoenas to third parties, including pool supply companies, online advertisers selling  
17 pool products, consumers of pool products, website content providers, website registrars,  
18 website archiving depositories, and any current or former managers, officers, or employees of  
19 Hayward & Associates, Inc., including, but not limited to, Mr. Richard C. Hayward, in the  
20 event the Parties cannot resolve certain discovery issues by stipulation; and

21 3. Additional written discovery, including Requests for Admissions, as may be necessary  
22 following WebQuest depositions of Hayward deponents.

23 WHEREAS, the Parties anticipate that this discovery will facilitate resolution of some or all  
24 of the issues relating to WebQuest's claim for declaratory judgment and Hayward's counterclaims,  
25 including, but not limited to, Hayward's counterclaim for cybersquatting under the ACPA.

26 WHEREAS, the current discovery cut-off date is January 13, 2011; a settlement conference is  
27 schedule for January 19, 2010; the non-dispositive motion filing deadline is January 28, 2011; the  
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1 dispositive motion filing deadline is February 28, 2011; the pre-trial conference is scheduled for May  
2 2, 2011; and the trial is scheduled to commence on June 7, 2011.

3 WHEREAS, the Parties have already met and conferred regarding the availability of the party  
4 witnesses for depositions and come across a number of scheduling conflicts arising, in part, from the  
5 holiday season;

6 WHEREAS, the Parties agree that a brief continuance of the discovery and motion cut-off  
7 dates and associated deadlines are necessary under the current circumstances;

8 WHEREAS, the Parties warrant that this extension is not sought for an improper purpose or  
9 for the purpose of delaying the proceedings as set forth in the concurrently filed declarations of Scott  
10 S. Christie and Brett E. Lewis.

11 **C. Stipulation**

12 WHEREFORE, IT IS HEREBY STIPULATED by the Parties, through their counsel of  
13 record, that all case deadlines are extended as follows:

14 1. The Court is respectfully requested to extend the discovery cut-off date to February  
15 28, 2011;

16 2. The Court is respectfully requested to adjourn the settlement conference to March 2,  
17 2011;

18 3. The Court is respectfully requested to extend the deadline for filing non-dispositive  
19 motions to March 11, 2011;

20 4. The Court is respectfully requested to extend the deadline for filing dispositive  
21 motions to April 11, 2011;

22 5. The Court is respectfully requested to adjourn the final pre-trial conference to May 13,  
23 2011 or as soon thereafter as is convenient for the Court; and

24 6. The Court is respectfully requested to adjourn the trial date to July 19, 2011 or as soon  
25 thereafter as is convenient for the Court.

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SO STIPULATED on December 21, 2010,

/s/Brett E. Lewis

/s/Don A. Hernandez

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**ORDER**

The Joint Stipulation by the Parties to extend the discovery cut-off dates hereby comes before the Court.

The Court having considered the joint stipulation and accompanying declarations filed in support thereto, and for good cause appearing, the Court hereby orders as follows:

1. The discovery cut-off date is extended to February 28, 2011; and
2. The settlement conference is adjourned to March 2, 2011 at 9:30AM;
3. The deadline for filing non-dispositive motions is extended to March 11, 2011; and
4. The last day to hear non-dispositive motions is extended April 14,2011; and
5. The deadline for filing dispositive motions is extended to April 11, 2011; and
6. The last day to hear dispositive motions is extended to May 16, 2011
7. The final pre-trial conference is adjourned to June 20, 2011 at 11:00AM; and
8. The trial date is adjourned to July 26, 2011 at 9:00AM.

IT IS SO ORDERED.

Dated: December 21, 2010

/s/ Oliver W. Wanger  
UNITED STATES DISTRICT JUDGE