

1 William T. Eliopoulos (State Bar No. 100633)  
weliopoulos@rutan.com  
2 Heather N. Herd (State Bar No. 217521)  
hherd@rutan.com  
3 Carrie MacIntosh (State Bar No. 294610)  
cmacintosh@rutan.com  
4 RUTAN & TUCKER, LLP  
Five Palo Alto Square  
5 3000 El Camino Real, Suite 200  
Palo Alto, CA 94306-9814  
6 Telephone: 650-320-1500  
Facsimile: 650-320-9905  
7

8 Attorneys for Defendant and Counter and  
Cross-Claimant CVIN, LLC, dba VAST NETWORKS

9 UNITED STATES DISTRICT COURT  
10 EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION

11 MP NEXLEVEL OF CALIFORNIA, INC., Case No. 1:14-cv-00288-LJO-EPG

12 Plaintiff,

13 vs.

14 CVIN, LLC dba VAST NETWORKS,  
CALAVERAS COMMUNICATIONS  
15 COMPANY, et al.,

16 Defendants.

**JOINT STIPULATION FOR  
CONTINUANCE OF TELEPHONIC  
STATUS CONFERENCE AND ORDER**

**(ECF No. 442)**

17  
18 AND RELATED COUNTER, CROSS,  
19 AND THIRD-PARTY CLAIMS.

20  
21 WHEREAS on July 10, 2018, the United States Court of Appeals for the Ninth  
22 Circuit issued its order to reverse and remand the decision of the trial court with respect to  
23 Plaintiff MP Nexlevel of California, Inc.'s ("MPC") Motion for Summary Adjudication.

24 WHEREAS on August 7, 2018, this Court set a telephonic conference call (the  
25 "Status Conference") to take place on September 13, 2018 at 10 a.m. before Magistrate  
26 Judge Erica P. Grosjean.

27 ///

28

1 WHEREAS on August 7, 2018, this Court ordered the undersigned parties “to confer  
2 and file a joint statement regarding a proposed schedule going forward and indicate whether  
3 the parties are interested in either a settlement conference or mediation.”

4 WHEREAS the undersigned have agreed to the terms of a settlement (the  
5 “Settlement”) of all claims in this action.

6 WHEREAS the undersigned have agreed that performance under the terms of the  
7 Settlement will be completed by October 8, 2018.

8 WHEREAS CVIN and MPC have agreed to continue the Status Conference until  
9 after October 8, 2018. Accordingly, IT IS HEREBY STIPULATED by the undersigned  
10 parties, by and through their counsel of record, that good cause exists to continue the date  
11 of the Status Conference until after October 8, 2018.

12  
13 **IT IS SO STIPULATED.**

14  
15 Dated: September 6, 2018

RUTAN & TUCKER, LLP  
WILLIAM T. ELIOPOULOS  
HEATHER N. HERD  
CARRIE MACINTOSH

16  
17  
18 By: /s/ William T. Eliopoulos  
19 William T. Eliopoulos, Esq.  
20 Attorneys for Defendant and Counter and  
21 Cross-Claimant CVIN, LLC, dba VAST

22 Dated: Signature authorized on September 4, 2018

23 GORDON & REES LLP  
24 BEN PATRICK

25 By: /s/ Ben Patrick  
26 Ben Patrick, Esq.  
27 Attorneys for Plaintiff, Cross-Defendant, and  
28 Third-Party Plaintiff MP NEXLEVEL OF  
CALIFORNIA, INC.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**ORDER**

IT IS HEREBY ORDERED that the Status Conference, currently set for September 13, 2018, is continued to **October 16, 2018, at 9:30 a.m.**

IT IS SO ORDERED.

Dated: **September 6, 2018**

/s/ Eric P. Groj  
UNITED STATES MAGISTRATE JUDGE