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5 Attorneys for Plaintiff
 6 ASPEX EYEWEAR, INC.

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 8 **UNITED STATES DISTRICT COURT**
 9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

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 11 ASPEX EYEWEAR, INC.,) CASE NO. 2:10 CV 00632 JAM-GGH
 12)
 Plaintiff,) **STIPULATION AND ORDER**
 13) **REGARDING BRIEFING SCHEDULE**
 v.) **FOR PLAINTIFF'S MOTION FOR**
 14) **PRELIMINARY INJUNCTION AND**
) **DEADLINE FOR RESPONSIVE**
 15 VISION SERVICE PLAN; MARCHON) **PLEADINGS**
 EYEWEAR, INC.; ALTAIR EYEWEAR, INC.,)
 16) **Date: May 19, 2010**
 Defendants.) **Time: 9:30 a.m.**
 17) **Ctrm: 6**
) **Judge: Hon. John A. Mendez**
 18)

19 The Court has scheduled a hearing on Plaintiff's motion for preliminary injunctive relief
 20 at 9:30 a.m. on May 19, 2010. The parties agree that the following briefing schedule and
 21 alteration of the page limits on principal and final reply briefs will help the better present their
 22 arguments to the Court. The parties also have agreed to integrate their responses to the
 23 complaint into the preliminary injunction process as stated below.

24 **WHEREFORE, IT IS STIPULATED AS FOLLOWS:**

25 1. Proposed briefing schedule:

- 26 (a) Plaintiff filed its Motion for Preliminary Injunction and supporting
 27 documents on April 9, 2010, with a maximum page limit of 30 pages;

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- 1 (b) Plaintiff will file an Amended Notice of Motion for Preliminary
2 Injunction by April 19, 2010;
- 3 (c) Defendants will file their respective Oppositions to the Motion for
4 Preliminary Injunction and supporting documents on or before April 30,
5 2010, with a maximum page limit of 30 pages;
- 6 (d) Plaintiff will file its Reply to the Oppositions to the Motion for
7 Preliminary Injunction and supporting documents on or before May 11,
8 2010, with a maximum page limit of 15 pages; and
- 9 (e) The hearing on Plaintiff's Motion for Preliminary Injunction and
10 supporting documents shall be on May 19, 2010.

11 2. All defendants shall file and serve their responsive pleadings on or before April
12 30, 2010.

13 3. In order to facilitate a full briefing and evidentiary record on the motion, the
14 parties will continue in their efforts to negotiate an expedited discovery schedule and stipulated
15 facts.

16 DATED: April 15, 2010

GREENBERG TRAURIG, LLP

17 By: /s/ Nancy J. Doig

18 Kathleen E. Finnerty (SBN 157638)
19 Nancy J. Doig (SBN 226593)
20 Attorneys for Plaintiff
21 ASPEX EYEWEAR, INC.

22 DATED: April 15, 2010

DOWNEY BRAND LLP

23 By: /s/ William Warne (as authorized on 4/15/10)

24 William Warne (SBN 141280)
25 Attorneys for Defendant
26 VISION SERVICES PLAN

27 DATED: April __, 2010

WILKE FLEURY LLP

28 By:

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Matthew Powell (SBN 114563)
Attorneys for Defendant
ALTAIR EYEWEAR, INC.

DATED: April 15, 2010

HOWRY LLP

By: /s/ Paul Alexander (as authorized on 4/15/10)
Paul Alexander (SBN 49997)
Attorneys for Defendant
MARCHON EYEWEAR, INC.

ORDER

GOOD CAUSE APPEARING,

IT IS SO ORDERED.

DATED: April 16, 2010

/s/ John A. Mendez
JOHN A. MENDEZ
United States District Court Judge