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11 ASPEX EYEWEAR, INC.

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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

19 ASPEX EYEWEAR, INC.,) CASE NO. 2:10 CV 00632 JAM-GGH
20 v. Plaintiff,)) **STIPULATION AND ORDER**
21) **REGARDING BRIEFING SCHEDULE**
22) **FOR PLAINTIFF'S MOTION FOR**
23) **PRELIMINARY INJUNCTION AND**
24) **DEADLINE FOR RESPONSIVE**
25) **PLEADINGS**
26 Defendants.)) **Date: May 19, 2010**
27)) **Time: 9:30 a.m.**
28)) **Ctrm: 6**
)) **Judge: Hon. John A. Mendez**
))

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

By: /s/ Nancy J. Doig

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

22 | DATED: April 15, 2010

DOWNEY BRAND LLP

By: /s/ William Warne (as authorized on 4/15/10)
William Warne (SBN 141280)
Attorneys for Defendant
VISION SERVICES PLAN

26 DATED: April 2010

WILKE ELIJAY LLP

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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