1 Glenn W. Peterson, Esq. (SBN 126173) MILLSTONE, PETERSON & WATTS, LLP 2 2267 Lava Ridge Court, Suite 210 Roseville, CA 95661 3 Telephone: (916) 780-8222 Fax No: (916) 780-8775 4 5 Attorneys for Plaintiff, Datatel Solutions, Inc. 6 7 UNITED STATES DISTRICT COURT 8 EASTERN DISTRICT OF CALIFORNIA 9 10 11 DATATEL SOLUTIONS, INC., a California Case No.: 2:12-CV-01306-GEB-EFB corporation, 12 GENERAL APPEARANCE BY SUCCESSOR IN INTEREST TO Plaintiff, 13 **DEFENDANTS: STIPULATION TO** VS. VACATE ENTRY OF DEFAULT, FOR 14 REFERRAL TO VDRP AND RELATED KEANE TELECOM CONSULTING, LLC, a RELIEF 15 New Jersey limited liability company; OUTREACH TELECOM AND ENERGY. 16 LLC, a New Jersey limited liability company; Complaint Filed: May 14, 2012 and DOES 1 through 10, inclusive, Trial Date: Not Set 17 Defendants. 18 19 20 PLAINTIFF AND DEFENDANTS, by and through their respective undersigned counsel, 21 hereby stipulate and agree as follows. OUTREACH TECHNOLOGY, LLC, as the alleged successor-in-interest to named 22 defendants KEANE TELECOM CONSULTING, LLC and OUTREACH TELECOM AND 23 24 ENERGY, LLC, retained the undersigned counsel ("defense counsel") after Plaintiff's application 25 for entry of default judgment (Doc. 13) was filed and the time to oppose same had expired. On 26 November 26, 2012, defense counsel contacted plaintiff's counsel and requested a stipulation to



27

28

///

PLAINTIFF'S STATUS REPORT

withdraw the application. Plaintiff's counsel refused. On November 30, 2012, plaintiff's counsel

and defense counsel reach a stipulated resolution of the pending application for entry of judgment, the complete terms of which are as follows (subject to court approval):

- 1. OUTREACH TECHNOLOGY, LLC, a Florida limited liability company, as the putative successor-in-interest to named Defendants, KEANE TELECOM CONSULTING, LLC, a New Jersey limited liability company and OUTREACH TELECOM AND ENERGY, LLC, a New Jersey limited liability company, without waiving any rights and/or defenses available to it, including without limitation jurisdictional, procedural and substantive defenses, if any, hereby generally appears in this action for the purpose of entering this stipulation and proceeding with mediation pursuant to Section 16 of the SP Agreement as amended in 2010. Similarly, plaintiff waives no rights or claims presently alleged in the complaint, including without limitation the claim that the named defendants were not and are not now predecessors in interest of Outreach Technology, LLC.
- 2. Plaintiff hereby withdraws the pending application for entry of judgment without prejudice and requests that the Court vacate the hearing date on same.
- 3. Plaintiff hereby stipulates to and requests an Order vacating the Clerk's entry of default in this matter on August 2, 2012.
- 4. In lieu of the ADR (alternative dispute resolution) provisions in the contract in suit, the parties' hereby request referral to this Court's Voluntary Dispute Resolution Program ("VDRP") and 90 days' leave of court to complete ADR therein.
- 5. Should ADR fail to resolve this case, the parties shall return to the *status quo ante* and Defendant(s) shall file a responsive pleading to Plaintiff's complaint not later than 14 days after the ADR session has been concluded.
- 6. If this stipulation is accepted by the Court, the parties jointly request that the Court schedule the initial Joint Status/Scheduling Conference on a date convenient to the Court, but approximately 120 days from entry of the order on this stipulation.
- 7. The Court may adopt this stipulation and enter it as an order binding upon the parties.

//

28 ||//

1	8. This stipulation is subject to Court approval. Should the Court decline to approve it, the		
2	parties agree that they shall restore the status quo (by further stipulations if necessary		
3	existing as of 5 p.m. on November 30, 2012.		
4			
5	IT IS SO STIPULATED.		
6	DATED: November 30, 2012	MILLSTONE, PETERSON & WATTS, LLP	
7		Attorneys at Law	
8			
9		By: /s/ Glenn W. Peterson GLENN W. PETERSON	
10		Attorneys for Plaintiff, Datatel Solutions Inc.	
11	I hereby attest that I have on file a	all holograph signatures for any signatures indicated by a	
12	"conformed" signature (/s/) within this e-filed document. MILLSTONE PETERSON & WATTS, LLP /s/ Glenn W. Peterson		
13			
14	DATED: December 4, 2012	MURPHY CAMPBELL GUTHRIE &	
15		ALLISTON	
16		Attorneys at Law	
17		By:/s/ J. Douglas Durham	
18		J. DOUGLAS DURHAM	
19		Attorneys for Outreach Technology, LLC as	
20		successor-in- interest to Keane Telecom Consulting, LLC and Outreach Telecom and Energy, LLC.	
21	I hereby attest that I have on file all holograph signatures for any signatures indicated by "conformed" signature (/s/) within this e-filed document. MURPHY CAMPBELL GUTHRIE & ALLISTON /s/ J. Douglas Durham The parties' stipulation is approved. The pretrial scheduling conference, currently set for March 18, 2013, is rescheduled for April 15, 2013, at 9:00 am. A joint status report shall be filed fourteen days prior to the hearing.		
22			
23			
24			
25	Date: <u>12/4/2012</u>		
26		Sald E Kinell	
27	II .	ARLAND E. BURRELL, JR. nior United States District Judge	
28		mor emica suite singe	

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	
ı	4