

1 Audra M Mori, Bar No. 162850
 Amori@perkinscoie.com
 2 Katherine M. Dugdale, Bar No. 168014
 Kdugdale@perkinscoie.com
 3 PERKINS COIE LLP
 1888 Century Park East, Suite 1700
 4 Los Angeles, CA 90067
 Telephone: 310.788.9900
 5 Facsimile: 310.788.3399

6 Attorneys for Plaintiff
 MICROSOFT CORPORATION
 7

8 Stephen D. Collins, Bar No. 277248
 scollins@tinglelawgroup.com
 9 Curtis R. Tingley, Bar No. 112322
 ctingley@tinglelawgroup.com
 10 Kevin W. Isaacson, Bar No. 281067
 kisaacson@tinglelawgroup.com
 11 TINGLEY LAW GROUP, PC
 10 Almaden Boulevard, Suite 430
 12 San Jose, California 95113
 Telephone: 408.283.7000
 13 Facsimile: 408.283.7010

14 Attorneys for Defendants
 DSD SOLUTIONS INC. d/b/a DESTINED
 15 DESIGN and DUY L. PAN
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17 **UNITED STATES DISTRICT COURT**
 18 **EASTERN DISTRICT OF CALIFORNIA**
 19

20 MICROSOFT CORPORATION, a
 Washington corporation

21 Plaintiff,

22 v.

23 DSD SOLUTIONS INC., a California
 24 corporation d/b/a DESTINED DESIGN;
 DUY L. PAN, an individual; and DOES 1-
 25 5,

26 Defendants.
 27
 28

Case No. 15-cv-01690-MCE-CKD

**JOINT REQUEST FOR SETTLEMENT
 CONFERENCE AND STIPULATION TO
 CONTINUE DEADLINES; ORDER**

1 Plaintiff MICROSOFT CORPORATION (hereinafter “Plaintiff”) and Defendants DSD
2 SOLUTIONS INC. and DUY L. PAN (hereinafter “Defendants”) (Plaintiff and Defendants are
3 hereinafter collectively referred to as the “Parties”), by and through their counsel of record,
4 stipulate and jointly request (1) that a settlement conference be scheduled to take place in or about
5 November 2016 in this case and (2) that the existing deadlines in this case be extended in order
6 for the settlement conference to be meaningful.

7 The Parties have engaged in extensive written discovery and taken the deposition of the
8 30(b)(6) witness for DSD SOLUTIONS, INC. The Parties have additional depositions to
9 conduct, including numerous depositions of third parties in Pennsylvania and the 30(b)(6) witness
10 of Plaintiff. However, the Parties have been and continue to be interested in discussing settlement
11 of this matter.

12 Previously, in order to give the Defendants time to resolve a dispute with their insurer and
13 to participate in alternative dispute resolution, the Parties received an extension to do certain
14 depositions approximately two months after the discovery cutoff and an extension of
15 approximately three weeks to the dispositive motion hearing cut-off date. (Dkt. Nos. 18 and 22.)
16 However, they have not previously requested an extension of the Pretrial Conference or Trial
17 dates in this matter.

18 The Parties now stipulate and jointly request that a settlement conference be set before a
19 magistrate judge¹ no later than December 1 of this year. Pursuant to Local Rule 270(a), the
20 Parties stipulate that in order to make the settlement conference meaningful, it should take place
21 prior to the time that they must incur the costs of numerous depositions across the country and
22 summary judgment motions, so that they may put their resources and time toward settlement.
23 Currently, the deadline to conduct certain depositions is September 9, 2016 (Dkt. No. 22) and the
24 time to file a summary judgment is on or about September 22, 2016. (See, Dkt. No. 18 re:

25
26 ¹ Previously, the parties had agreed to participate in a private mediation prior to the
27 discovery cutoff. (See, e.g., Dkt. No. 18.) Defendants have suggested a settlement conference
28 instead of a mediation, so that they may put resources that would be spent on a mediation toward
settlement. The parties decline to waive disqualification, pursuant to Local Rule 270(b), of the
assigned Judge or Magistrate Judge, such that the requested settlement conference will take place
before a different judge.

1 hearing cutoff date of November 18, 2016.) The parties stipulate and jointly request that these
 2 deadlines be extended by three to four months in order to give them time to participate in a
 3 meaningful settlement conference. Because Microsoft intends to file a summary judgment
 4 motion, which the Court will need time to rule upon and which may impact any trial in this
 5 matter, the Parties similarly jointly stipulate and request, for the first time, to continue the Pretrial
 6 Conference and the Trial Date. The requested dates are as follows:

Deadline	Current Date	New Date
Settlement Conference		November 2016
Deadline for Deposition of Certain Witnesses as described in the Court's order dated June 22, 2016 (Dkt. No. 22)	September 9, 2016	December 16, 2016
Dispositive Motion Hearing Cut-Off Date (Dkt. No. 18)	November 18, 2016	March 3, 2017
Final Pretrial Conference Statement	January 26, 2017	May 18, 2017
Evidentiary and Procedural Motions, Oppositions and Replies	January 26, 2017; February 2, 2017; February 9, 2017	May 18, 2017; May 25, 2017; June 1, 2017
Pretrial Conference Date	February 16, 2017	June 8, 2017
Trial	April 3, 2017	July 24, 2017

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16 DATED: August 4, 2016

PERKINS COIE LLP

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18 By: /s/ Audra Mori
Audra Mori

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20 Attorneys for Plaintiff
MICROSOFT CORPORATION

21 DATED: August 4, 2016

TINGLEY LAW GROUP, PC

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23 By: /s/ Stephen D. Collins
(as authorized on 8/3/2016)
Stephen D. Collins

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25 Attorneys for Defendants
DSD Solutions Inc., dba Destined Design, and
26 Duy L. Pan

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ORDER

The Court hereby adopts the parties' stipulation as its order. Judge Gregory G. Hollows has been randomly assigned to conduct a settlement conference in this case. Despite the parties' general request for a November status conference date, the Court declines to set that conference now. Instead, not later than seven (7) days following the date that this order is electronically filed, Counsel are directed to contact Judge Hollows chambers to schedule that conference directly.

Counsel is instructed to have a principal with full settlement authority present at the settlement conference or to be fully authorized to settle the matter on any terms. Not later than one week prior to the settlement conference, counsel for each party shall submit to the chambers of Judge Hollows a Confidential Settlement Conference Statement. Such statements are neither to be filed with the Clerk nor served on opposing counsel. Each party, however, shall serve notice on all other parties that the statement has been submitted. The Confidential Settlement Conference Statement shall not be disclosed to the trial judge.

IT IS SO ORDERED.

Dated: August 11, 2016


MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE