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8 E-SMART TECHNOLOGIES, INC. and
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19 3rd Street, No. 5, The Springs
20 Dubai, United Arab Emirates
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22 E-mail: michaelgardiner1@gmail.com

23 UNITED STATES DISTRICT COURT
24 NORTHERN DISTRICT OF CALIFORNIA

25 E-SMART TECHNOLOGIES, INC., a
26 Nevada Corporation; and IVI SMART
27 TECHNOLOGIES, INC., a Delaware
28 Corporation

Plaintiffs,

vs.

WAYNE DRIZIN, an individual;
MICHAEL GARDINER, an individual;
ELECTRONIC PLASTICS
CORPORATION, and A CARD
COMPANY,

Defendants.

Case No. 3:06-cv-5528 MHP

JOINT STIPULATION TO
CONTINUE SETTLEMENT
CONFERENCE

PLACE: Courtroom 15

1 Plaintiffs e-Smart Technologies, Inc., and IVI Smart Technologies, Inc.
2 (collectively the “e-Smart Parties”), on the one hand, and defendants Wayne Drizin
3 (“Drizin”) and Michael Gardiner (“Gardiner”), on the other hand, jointly submit
4 the following stipulation:

5 WHEREAS, on January 13, 2010, this Court ordered the parties to complete
6 a settlement conference before the Honorable Bernard Zimmerman “within 30–60
7 days”;

8 WHEREAS, on January 13, 2010, the Honorable Bernard Zimmerman
9 scheduled a settlement conference for February 2, 2010;

10 WHEREAS, on January 25, 2010, the parties jointly requested that the
11 settlement conference be moved either to: (a) February 23, 2010, in which case
12 Mary Grace—the decision maker for plaintiffs, who would be out of the country
13 traveling until mid-March—could attend the conference by telephone; or (b)
14 March 23, 2010, in which case Ms. Grace would be able to attend the conference
15 in person;

16 WHEREAS, the Honorable Bernard Zimmerman scheduled a settlement
17 conference for March 9, 2010 at 9:00 a.m.;

18 WHEREAS, Mary Grace is in Switzerland during the week of March 8,
19 2010 (i.e., as identified in the January 25, 2010 joint stipulation), attending the
20 closing of a fundraising that is critical to the e-Smart Parties;

21 WHEREAS, the date for the fundraising closing was set by the fundraisers,
22 and not the e-Smart Parties, and in this economic environment, it is difficult to
23 obtain investors and it is critical that the e-Smart Parties take advantage of the
24 opportunities presented to them;

25 WHEREAS, defendant Gardiner, who currently resides in Dubai, United
26 Arab Emirates, cannot appear in person for a settlement conference until April 19,
27 2010, if the hearing date is changed; and

28

1 WHEREAS, the parties are continuing in settlement talks, have circulated
2 draft settlement agreements, have sent numerous emails regarding revisions, and
3 have a telephone conference call regarding settlement scheduled for Monday,
4 March 8, 2010;

5 NOW, THEREFORE, IT IS HEREBY STIPULATED, by the parties hereto,
6 and subject to the approval of the Court, that:

7 1. The parties' deadline to participate in a settlement conference before
8 the Honorable Bernard Zimmerman be extended to May 19, 2010; and

9 2. The settlement conference currently scheduled for March 9, 2010,
10 shall be continued to a date after April 19, 2010.

11
12 Dated: March 3, 2010

TROYGOULD PC

13
14 By: 
15 Christopher A. Lilly
16 Attorneys for Plaintiffs
17 E-SMART TECHNOLOGIES, INC. and
18 IVI SMART TECHNOLOGIES, INC.

19 Dated: March _____, 2010

20 By: _____
21 Wayne Drizin, in pro per

22 Dated: March _____, 2010

23 By: _____
24 Michael Gardiner, in pro per

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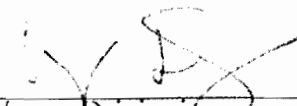
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10 shall be continued to a date after April 19, 2010.

11
12 Dated: March _____, 2010

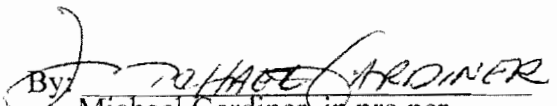
TROYGOULD PC

13
14 By: _____
15 Christopher A. Lilly
16 Attorneys for Plaintiffs
17 E-SMART TECHNOLOGIES, INC. and
18 IVI SMART TECHNOLOGIES, INC.

19 Dated: March 3rd, 2010

20 By: 
21 Wayne Drizin, in pro per

22 Dated: March _____, 2010

23 By: 
24 Michael Gardiner, in pro per

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25 UNITED STATES DISTRICT COURT
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[PROPOSED]

ORDER CONTINUING
SETTLEMENT CONFERENCE

PLACE: Courtroom 15

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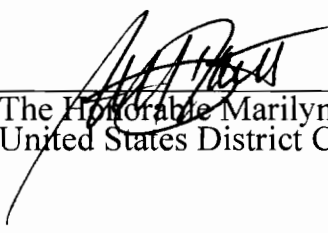
In view of the parties' stipulation, and good cause appearing, IT IS
HEREBY ORDERED THAT:

1. The parties' deadline to participate in a settlement conference before
the Honorable Bernard Zimmerman is extended to May 31, 2010; and

2. The settlement conference currently scheduled for March 9, 2010,
shall be continued to a date after April 19, 2010.

*IT IS SO ORDERED, reset date subject to approval
of Judge Zimmerman.*

DATED: 3/5/10


The Honorable Marilyn H. Patel
United States District Court Judge