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MMCA Group, Ltd.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

<p>MMCA GROUP, LTD., a Virginia corporation,  Plaintiff  v.  HEWLETT-PACKARD COMPANY, a Delaware corporation, PINKERTON'S, INC., a Delaware corporation, d/b/a PINKERTON CONSULTING &amp; INVESTIGATIONS – EUROPE, BUSINESS RISKS INTERNATIONAL, LIMITED, an United Kingdom corporation d/b/a PINKERTON CONSULTING &amp; INVESTIGATIONS – EUROPE, PICA, an Ohio corporation, RODOLFO DIAZ, an individual, LUIS ORTEGA, an individual, WARREN ROTHER, an individual alien, ROBERT COZZOLINA, an individual, KEVIN HUNSAKER, an individual,</p>	<p>Civil Action No. CV 06-07067-MMC (EMC)</p> <p><b>STIPULATION AND <del>PROPOSED</del> ORDER RE CHANGING DEADLINES</b></p> <p>[Fed. R. Civ. Proc. 6(b), Civil L.R. 6-1, 6-2,7-1, 7-12]</p> <p>[No Hearing Required]</p> <p>Judge: Hon. Maxine M. Chesney</p>
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1	Defendants.	
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5 I. INTRODUCTION

6 Plaintiff MMCA Group Ltd. (“MMCA”) and Defendant PICA submit this stipulation and  
7 [proposed] order pursuant to Federal Rule of Civil Procedure 6(b) and Civil Local Rules 6-1, 6-  
8 2, 7-1, and 7-12, requesting that the Court extend the deadline for MMCA to file its Opposition  
9 papers against PICA’s Motion for Summary Judgment/Summary Adjudication (Docket 384).  
10 PICA’s Motion is currently scheduled to be heard on January 30, 2009, MMCA’s Opposition  
11 papers are currently due on January 9, 2008. The parties have stipulated and hereby request  
12 that the briefing and hearing schedule be extended by a period of two weeks, thus MMCA’s  
13 Opposition papers be due on January 23, 2008, PICA’s reply would be due on January 30,  
14 2009, and the hearing on PICA’s motion would be set for February 13, 2009. The parties are  
15 aware that the Court continued the previously filed and briefed HP Motion for Summary  
16 Judgment, ,

17 II. BACKGROUND

18 On December 24, at approximately 1:00 pm, Defendant PICA filed a Motion for Summary  
19 Judgment or for Partial Summary Judgment, submitting declarations of 5 witnesses, an attorney  
20 declaration and exhibits, submitted under seal. PICA’s ECF filing was redacted and otherwise  
21 incomplete due to its submission under seal. PICA delivered the full version of its filings  
22 electronically at 2:40 p.m. on December 24, 2008. Based on the hearing date for PICA’s  
23 motion, MMCA’s response is presently due on January 9, 2009. Litton & Geonetta, LLP, the  
24 two person law firm representing MMCA along with sole proprietor Ken Frucht, Esq., is  
25 dissolving as of December 31, 2008, and L&G partner Marc Litton is no longer representing  
26 MMCA, thus two attorneys Mr. Frucht, and Fred Geonetta, rather than three, represent MMCA  
27 to respond to PICA’s motion. Mr. Frucht is spending 100% of his time through January 12,

1 2009 preparing for a Federal Court trial in a police brutality case in Sacramento, California.  
2 This trial begins January 12, 2009 and is projected to last two weeks or longer. From  
3 Plaintiff's perspective, Mr. Frucht is effectively unable to assist in MMCA's opposition. Mr.  
4 Geonetta, MMCA's other remaining counsel had preplanned and partially prepaid time off to  
5 attend to a terminally ill parent in San Diego, California from December 28 through January .  
6 In addition, PICA's motion has given rise to several issues concerning the Protective Order in  
7 effect in this litigation, as well as certain discovery matters which the parties are attempting to  
8 resolve through meeting and conferring, though Court assistance may be required should these  
9 efforts fail. For the foregoing reasons, MMCA asserts that it requires additional time to  
10 adequately prepare its opposition to PICA's motion. In addition, several witnesses who reside  
11 out of the United States or in the United States but outside of California and whom we believe  
12 are or may be necessary to respond to the PICA motion, are not available due to the Holidays.  
13 PICA and MMCA hereby stipulate that MMCA may have an additional two weeks, until  
14 January 23, 2009 to file its opposition papers.

15 The parties to this action, including Defendant HP are cognizant that the Court has reset  
16 the hearing on HP Motion for Summary Judgment or in the Alternative for Judgment on the  
17 Pleadings from January 9, 2009 to January 30, 2009, the date PICA set for the hearing of its  
18 motion. Counsel for MMCA met and conferred with counsel for HP who agreed that both HP  
19 and MMCA favor keeping the HP motion set for hearing on January 30, 2009, though neither  
20 party presumes to dictate the Court's calendar.

### 21 III GOOD CAUSE EXISTS

22 Due to the logistical difficulties presented by PICA's Motion, which are described above,  
23 and the scheduling conflicts of Plaintiff MMCA's counsel, MMCA requires additional time to  
24 fully and adequately prepare its opposition to PICA's motion. The parties have agreed that the  
25 Opposition, Reply and hearing dates should be extended by a period of two weeks.

### 26 IV CONCLUSION

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1 For the reasons set forth above, the parties respectfully request that the Court enter the  
2 [Proposed] Order continuing the Opposition, Reply and hearing dates for PICA's Motion for

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5 Summary Judgment or in the Alternative for Partial Summary Judgment as follows

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7 Plaintiff's Opposition Due Date: January 23, 2009

8 Defendant's Reply Due Date January 30, 2009

9 Hearing On Defendant's Motion February 13, 2009

10  
11 Dated: November 25, 2008

By: //SS//

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16 Attorneys for Plaintiff  
MMCA GROUP, LTD.

17  
18 Dated: November 25, 2008

By: //SS//

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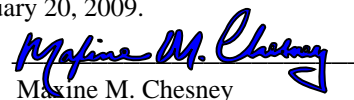
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23 Attorneys for Defendant  
PICA

24 **ORDER**

25 Pursuant to the parties' stipulation, plaintiff's opposition to PICA's Motion for Summary Judgment /  
26 Partial Summary Judgment shall be filed no later than January 23, 2009, and defendant's reply shall be  
27 filed no later than January 30, 2009; in light of the Court's calendar, the hearing on the motion shall be  
on February 20, 2009. Additionally, the hearing on HP's Motion for Partial Summary Judgment or, in  
the Alternative, Judgment on the Pleadings is continued to February 20, 2009.

IT IS SO ORDERED.

Dated: January 6, 2009.

  
Maxine M. Chesney

United States District Judge

CIVIL ACTION No.: CV 06-07067-MMC (EMC)

~~STIPULATION AND PROPOSED ORDER EXTENDING BRIEFING AND HEARING DATES RE PICA  
MOTION FOR SUMMARY JUDGMENT~~