

1 JEFFREY L. WIDMAN
 2 **SHAW GUSSIS FISHMAN GLANTZ**
 3 **WOLFSON & TOWBIN LLC**
 321 N. Clark Street, Suite 800
 Chicago, IL 60610
 Telephone: (312) 541-1051
 Fax: (312) 275-0557

5 JAMIE L. DUPREE
 6 **FUTTERMAN & DUPREE LLP**
 160 Sansome St Fl 17
 San Francisco, CA 94104
 Telephone (415) 399-3840
 Fax: (415) 399-3838
 Attorneys for Defendant/Counter Claimant
 R.R. Donnelley & Sons Company

10 Robert O. Whyte (SBN 130021)
 Christina A. Dondero (SBN 230616)
 11 **NIESAR & WHYTE, LLP**
 90 New Montgomery Street, 9th Floor
 San Francisco, California 94105
 Telephone: (415) 882-5300
 Fax: (415) 882-5400
 Attorneys for Plaintiff/Counter-Defendant
 PicketFence, Inc. doing
 business as SandBox Studio

17 UNITED STATES DISTRICT COURT
 18 NORTHERN DISTRICT OF CALIFORNIA
 19 SAN FRANCISCO DIVISION

20 PICKETFENCE, INC., a California corporation
 21 doing business as SANDBOX STUDIO,
 22 Plaintiff,
 23 v.
 24 R. R. DONNELLEY & SONS COMPANY, a
 25 Delaware corporation; and DOES 1 through 30,
 26 Defendants
 27 AND RELATED COUNTERCLAIM

Case No. C 07-1551 JL
STIPULATION AND ~~PROPOSED~~
ORDER TO AMEND CASE
MANAGEMENT AND PRETRIAL
ORDER

1 Plaintiff/Counter-Defendant Picketfence, Inc. and Defendant/Counter-Plaintiff R.R.
2 Donnelley & Sons Company (“Donnelley”), by their undersigned counsel, submit this Stipulation
3 and Proposed Order to Amend Case Management and Pretrial Order. On December 10, 2008, the
4 parties attended a mediation with JAMS Mediator and former Federal Judge Edward Infante.
5 While the parties did not settle the case at that time, Judge Infante recommended that the parties
6 suspend their discovery efforts four to six weeks thereby reducing their respective attorneys’ fees
7 and costs so that Judge Infante could further explore the possibility of a settlement and a possible
8 second mediation session. Consequently, the parties have temporarily suspended their efforts to
9 schedule depositions and conduct further discovery, which in turn, necessitates an extension of
10 various deadlines in the case. The stipulation seeks to continue the scheduled trial date and move
11 various deadlines for discovery, dispositive motions and court hearing dates scheduled by this
12 Court pursuant to its Case Management and Pretrial Order dated September 29, 2008 (Docket
13 #101), as amended by the Court pursuant to the parties’ Stipulation Regarding Expert Witness
14 Deadlines dated November 29, 2008 (Docket #107) as follows:

- 15 1. The discovery deadline of February 11, 2009 is continued to **May 12, 2009**.
- 16 2. The dispositive motion deadline of March 18, 2009 is continued to **June 3, 2009**.
- 17 3. The hearing date for dispositive motions is continued from April 22, 2009 to **July**
18 **8, 2009**.
- 19 4. The case management conference scheduled for April 26, 2009 is continued to
20 **July 8, 2009 at 10:30 a.m.**
- 21 5. The final pretrial conference is continued from May 20, 2009 to **August 5, 2009 at**
22 **11:00 a.m.** in Courtroom F, 15th Floor.
- 23 6. The trial date of June 15, 2009 is continued to **August 31, 2009**.
- 24 7. All other provisions and deadlines contained in the Court’s Case Management
25 Order shall remain intact.

1 Dated: January 20, 2009

NIESAR & WHYTE LLP

2 By: /s/ Robert O. Whyte

3 Robert O. Whyte

NIESAR & WHYTE LLP

4 Attorneys for Plaintiff/Counter-Defendant
5 PicketFence, Inc. d/b/a SandBox Studio

6
7 Dated: January 20, 2009

**SHAW GUSSIS FISHMAN GLANTZ WOLFSON &
8 TOWBIN LLC**

9 By: /s/ Jeffrey L. Widman

10 Jeffrey L. Widman (*Admitted Pro Hac Vice*)

SHAW GUSSIS FISHMAN GLANTZ

WOLFSON & TOWBIN LLC

11 Attorneys for Defendant/Counter-Claimant
12 R.R. Donnelley & Sons Company

13 Dated: January 20, 2009

FUTTERMAN & DUPREE LLP

14 By: /s/ Jamie L. Dupree

15 Jamie L. Dupree

FUTTERMAN & DUPREE LLP

16 Attorneys for Defendant/Counter-Claimant
17 R.R. Donnelley & Sons Company

18
19 **ORDER**

20 IT IS SO ORDERED:

21
22 Dated: February 10, 2009



The Honorable James Larson