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13 UNITED STATES DISTRICT COURT  
 14 NORTHERN DISTRICT OF CALIFORNIA  
 15 SAN FRANCISCO DIVISION

16 BARE ESCENTUALS BEAUTY, INC., a  
 Delaware corporation,  
 17  
 Plaintiff,  
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 vs.  
 19 L'ORÉAL USA, INC., a Delaware corporation,  
 20  
 Defendant.  
 21

Case No. C-07-1669 MMC

**STIPULATED REQUEST FOR ORDER  
 MODIFYING PRE-TRIAL AND TRIAL  
 DATES; ~~PROPOSED~~ ORDER**

23 The parties believe that they are close to reaching a settlement of this action. In order to  
 24 allow time to complete negotiations of settlement terms and to execute an agreement, Plaintiff Bare  
 25 Escentuals Beauty, Inc. ("Bare Escentuals"), and Defendant L'Oréal USA, Inc. ("LUSA"), agree and  
 26 stipulate to, and respectfully request the Court extend the pre-trial and trial dates in this case by three  
 27 months, as set forth below. The parties make this request pursuant to Civil Local Rules 6-2 and 7-  
 28 12.

1 The Court issued the initial Pre-Trial Preparation Order for this case on July 10, 2007. On  
2 February 20, 2008, the Court granted the parties stipulated request for an order modifying the pre-  
3 trial and trial dates.

4 The parties have previously stipulated to and the Court has granted the following time  
5 modifications:

- 6 • On September 13, 2007, the parties stipulated to continue Defendant L'Oreal S.A.'s Motion to  
7 Dismiss for Lack of Personal Jurisdiction from October 5, 2007 to October 19, 2007.
- 8 • On October 12, 2007, the Court granted the parties' October 11, 2007 stipulation regarding  
9 jurisdictional discovery and a briefing schedule for L'Oréal S.A.'s Motion to Dismiss. Th  
10 Court continued the hearing on defendant L'Oreal S.A.'s Motion to Dismiss to February 29,  
11 2008.
- 12 • On February 6, 2008, this Court granted the parties' January 31, 2008 stipulated request in  
13 part, and extended the deadlines related to jurisdictional discovery and briefing and  
14 continued the hearing on defendant L'Oreal S.A.'s Motion to Dismiss to May 2, 2008. The  
15 Court denied the parties' request for extension of the pre-trial and trial dates, without  
16 prejudice to the parties' providing a more detailed showing with respect to such additional  
17 relief.
- 18 • On February 20, 2008, the Court granted the parties' Stipulated Request for an Order  
19 Modifying the Pre-Trial and Trial Dates for good cause.

20 Good cause exists for the parties' request to modify the Pre-Trial Preparation Order for the  
21 following reasons.

22 The parties have been in discussions regarding the basis for settlement of this litigation and  
23 are currently in the final stages of negotiating specifics of such a settlement agreement.

24 The Court's current Pre-Trial Preparation Order sets the cutoff for non-expert discovery for  
25 November 24, 2008. Given the on-going negotiations regarding the terms of a settlement agreement,  
26 the parties wish to avoid expending resources of the parties and the Court pursuing discovery if the  
27 parties are able to promptly settle this case.

28 For these reasons, the parties jointly agree and stipulate to request that this Court extend the

1 current case deadlines set forth in this Court's Pre-Trial Preparation Order issued on February 20,  
2 2008 by three months, as set forth below.

3 The pre-trial and trial dates set forth in this Court's Pre-Trial Preparation Order issued on  
4 February 20, 2008 are extended, as set forth below:

- 5 • JURY TRIAL DATE: August 21, 2009 at 9:00 a.m., Courtroom 7, 19th Floor.
- 6 • NON-EXPERT DISCOVERY CUTOFF: February 24, 2009.
- 7 • DESIGNATION OF EXPERTS (Plaintiff/Defendant): No later than March 20, 2009.
- 8 • DESIGNATION OF EXPERTS (Plaintiff/Defendants): Rebuttal no later than April  
9 10, 2009.
- 10 • EXPERT DISCOVERY CUTOFF: May 1, 2009.
- 11 • DISPOSITIVE MOTIONS shall be filed no later than May 15, 2009, and shall be  
12 noticed for hearing 35 days thereafter.
- 13 • SETTLEMENT CONFERENCE before Magistrate Judge Elizabeth D. Laporte:  
14 No later than 30 days prior to the Pretrial Conference.
- 15 • PRETRIAL CONFERENCE DATE: August 5, 2009 at 3:00 p.m.
- 16 • MEET AND CONFER (Civil L.R. 16-10(b)(5)): Lead trial counsel shall meet and  
17 confer no later than June 30, 2009.
- 18 • FURTHER STATUS CONFERENCE: Friday, May 15, 2009 at 10:30 a.m.
- 19 • FURTHER STATUS CONF. STATEMENT DUE: Friday, February May 8, 2009.

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Respectfully submitted,

DATED: October 20, 2008

PAUL, HASTINGS, JANOFSKY & WALKER LLP

By: /s/ Mark E. McKeen  
Mark E. McKeen (SBN 130950)

Attorneys for Defendant  
L'ORÉAL USA, INC.

DATED: October 20, 2008

WINSTON & STRAWN LLP

By: /s/ Jennifer A. Golinveaux  
Jennifer A. Golinveaux (SBN 203056)

Attorneys for Plaintiff  
BARE ESCENTUALS BEAUTY, INC.

I attest that concurrence in the filing of this document has been obtained from Mark E. McKeen, counsel for Defendant.

By: /s/ Jennifer A. Golinveaux  
Jennifer A. Golinveaux  
Attorney for Plaintiff  
BARE ESCENTUALS BEAUTY, INC.

1 PURSUANT TO STIPULATION, IT IS ORDERED that:

- 2 1. The dates provided in this Court's Pre-Trial Preparation Order issued on February 20,
- 3 2008 shall be extended as set forth below:
- 4 2. JURY TRIAL DATE: <sup>July 6</sup>~~August 21~~, 2009 at 9:00 a.m., Courtroom 7, 19th Floor.
- 5 3. NON-EXPERT DISCOVERY CUTOFF: <sup>January 23</sup>~~February 24~~, 2009.
- 6 4. DESIGNATION OF EXPERTS (Plaintiff/Defendant): No later than <sup>February 13</sup>~~March 20~~, 2009.
- 7 5. DESIGNATION OF EXPERTS (Plaintiff/Defendant): Rebuttal no later than <sup>February 27</sup>~~April 10~~,
- 8 2009.
- 9 6. EXPERT DISCOVERY CUTOFF: <sup>March 20</sup>~~May 1~~, 2009.
- 10 7. DISPOSITIVE MOTIONS shall be filed no later than <sup>April 3</sup>~~May 15~~, 2009, and shall be noticed
- 11 for hearing 35 days thereafter.
- 12 8. PRETRIAL CONFERENCE DATE: <sup>June 23</sup>~~August 5~~, 2009 at 3:00 p.m.
- 13 9. MEET AND CONFER (Civil L.R. 16-10(b)(5)): Lead trial counsel shall meet and confer
- 14 no later than <sup>May 18</sup>~~June 30~~, 2009.
- 15 10. FURTHER STATUS CONFERENCE: Friday, <sup>April 3</sup>~~May 15~~, 2009 at 10:30 a.m.
- 16 11. FURTHER STATUS CONF. STATEMENT DUE: Friday, <sup>March 27</sup>~~February 27~~ <sup>May 8</sup>, 2009.

18 Dated: October 22, 2008

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 THE HONORABLE MAXINE M. CHESNEY

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