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8 Attorneys for Plaintiff/Counter-Defendant
 9 TOMMY BAHAMA GROUP, INC.

10 **UNITED STATES DISTRICT COURT**
 11 **NORTHERN DISTRICT OF CALIFORNIA**
 12 **SAN FRANCISCO DIVISION**

13 TOMMY BAHAMA GROUP, INC.

Case No. C 07-06360-EDL

14 Plaintiff/Counter-Defendant

**STIPULATION AND PROPOSED
 ORDER RE: MODIFICATION OF
 CASE MANAGEMENT SCHEDULE**

15 vs.

16 RICHARD SEXTON,

17 Defendant/Counter-Plaintiff

18 In accordance with Civil Local Rules 6-2 and Rule 7-12, the parties stipulate as follows:

19 1. The parties stipulate and hereby request to move the discovery cutoff date from July
 20 17, 2009 to October 2, 2009.

21 2. The parties request this modification in order to accommodate the schedules of the
 22 parties and counsel. Mr. Sexton, who is representing himself in this matter, requires additional time
 23 to respond to discovery propounded by Tommy Bahama. The witnesses noticed for deposition by
 24 Mr. Sexton were not available before the cut-off date. The parties are presently meeting and
 25 conferring about defects in discovery recently propounded by Mr. Sexton on Tommy Bahama and
 26 third party witness, eBay, which have not yet been resolved. Counsel for Tommy Bahama will be on
 27 vacation the first week of August. Mr. Sexton has family commitments from July 17 to July 30 and
 28 resumes his college course work in mid-August.

3. There have been no previous time modifications to the case management schedule.

1 4. The requested time modification will effect all remaining dates on the schedule. To
2 that end, the parties request that the Court modify its case management order as follows:

- 3 a. Expert and Non-expert Discovery Cutoff: 10/2/2009
4 b. Dispositive Motion Filing Date: 10/20/2009
5 c. Dispositive Motions Hearing Date: 11/24/2009
6 d. Pretrial Conference: 3/2/2010
7 e. Trail date: 3/22/2010

8 Dated: July 15, 2009

SNYDER MILLER & ORTON, L.L.P.

9
10 By: _____ /s/
11 Peter P. Meringolo
12 Attorneys for Plaintiff Tommy Bahama Group,
13 Inc.

14 Dated: July 15, 2009

RICHARD SEXTON

15 By: _____ /s/
16 Richard Sexton
17 In pro per

18 PURSUANT TO STIPULATION, IT IS SO ORDERED
19 August 18

20 Dated: July __, 2009

21 _____
22 ELIZABETH D. LAPORTE
23 United States Magistrate Judge



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PROOF OF SERVICE

I, Michelle Traina, declare:

I am a resident of the State of California and over the age of eighteen years, and not a party to the within action; my business address is 180 Montgomery Street, Suite 700, San Francisco, California 94104. On July 10, 2009, I served the within documents:

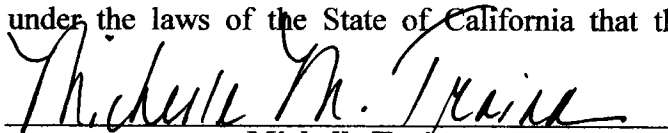
**STIPULATION AND PROPOSED ORDER
RE: MODIFICATION OF CASE MANAGEMENT SCHEDULE**

- by transmitting via **facsimile** the document(s) listed above to the fax number(s) set forth below or on the attached service list.
- by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the **United States mail** at San Francisco, California addressed as set forth below or on the attached service list.
- by placing the document(s) listed above in a sealed **Federal Express** envelope and affixing a pre-paid air bill, and causing the envelope to be delivered to a **Federal Express** agent for delivery to the addressee(s) below or on the attached service list.
- I caused the envelope(s) with the document(s) listed above to be delivered by hand, by "**Type of Service, i.e., Taylor-Price Attorney Service**", to the addressee(s) below or on the attached service list.
- by transmitting via **E-Filing** the document(s) listed above to the person(s) at the address(es) set forth below or on the attached service list.

Richard Sexton
105 Camino Margarita
Nicasio, California 94946

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.



Michelle Traina