

1 TROJAN LAW OFFICES
 R. JOSEPH TROJAN - #137067
 2 9250 Wilshire Blvd, Suite 325
 Beverly Hills, CA 90212
 3 Telephone: (310) 777-8399
 Facsimile: (310) 777-8348
 4

Attorneys for Plaintiff
 5 PHOENIX SOLUTIONS, INC.

6 KEKER & VAN NEST, LLP
 DARALYN J. DURIE - #169825
 7 EUGENE M. PAIGE - #202849
 RYAN M. KENT - #220441
 8 SONALI D. MAITRA - #254896
 710 Sansome Street
 9 San Francisco, CA 94111-1704
 Telephone: (415) 391-5400
 10 Facsimile: (415) 397-7188

Attorneys for Defendants
 11 WELLS FARGO BANK, N.A. and
 12 WELLS FARGO FUNDS MANAGEMENT, LLC

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

18 PHOENIX SOLUTIONS, INC., a California
 corporation,
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 Plaintiff,
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 v.
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 WELLS FARGO BANK, N.A., a Delaware
 22 corporation, and WELLS FARGO FUNDS
 MANAGEMENT, LLC, a Delaware limited
 23 liability company,
 24 Defendant.

Case No. CV 08-0863 MHP
**STIPULATION AND ~~PROPOSED~~
 ORDER PURSUANT TO LOCAL RULE
 7-7 REGARDING DATE OF HEARING
 ON PARTIES' MOTIONS FOR
 SUMMARY JUDGMENT**
 *As amended by Court.

1 Pursuant to Local Rule 7-7, undersigned counsel for Phoenix Solutions, Inc. (“Phoenix”)
2 and Wells Fargo Bank, N.A. (“Wells Fargo”) jointly and respectfully submit this stipulation
3 regarding the date of the hearing on the parties’ motions for summary judgment in this matter.

4 1. On June 9, 2008, the Court entered a minute order (Docket No. 36) that set
5 November 10, 2008, as the hearing date for initial summary judgment motions on inequitable
6 conduct and anticipation.

7 2. On September 8, 2008, each party filed a motion for summary judgment (Docket
8 Nos. 53 & 51) that noticed the motion to be heard on November 10, 2008.

9 3. On October 24, 2008, the Court rescheduled the hearing date on each party’s
10 motion for summary judgment to November 24, 2008 (Docket No. 111).

11 4. Counsel for Wells Fargo, Daralyn Durie, has a conflict with appearing on
12 November 24, 2008, at 2:00 p.m. because of a previously scheduled deposition. After
13 conferring, the parties determined that December 1, 2008, was a mutually convenient date for the
14 hearing.

15 5. Counsel for Phoenix and Wells Fargo therefore stipulate to, and respectfully
16 request, an Order rescheduling the hearing on each party’s motion for summary judgment
17 (Docket Nos. 53 & 51) to Monday, December 1, 2008 at 2:00 p.m.

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19 Dated: October 30, 2008

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22 By: /s/ R. Joseph Trojan
23 R. Joseph Trojan
Attorneys for Plaintiff
PHOENIX SOLUTIONS, INC.

24 Dated: October 30, 2008

KEKER & VAN NEST, LLP

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27 By: /s/ Ryan M. Kent
28 Ryan M. Kent
Attorneys for Defendant
WELLS FARGO BANK, N.A.

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~~[PROPOSED]~~ ORDER

Upon the joint stipulation of the parties, the request to reschedule the hearing on each party's motion for summary judgment (Docket Nos. 43 & 51) to ~~December 1, 2008~~ January 5, 2009, at 2:00 p.m. is GRANTED.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 11/14/2008

