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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

CONTINENTAL D.I.A. DIAMOND PRODUCTS, INC., a California corporation,

Plaintiff,

vs.

DONG YOUNG DIAMOND INDUSTRIAL CO., LTD., a South Korean company, DONGSOO LEE, an individual, and DOES 1-10, inclusive,

Defendants.

Case No. CV 08-2136 SI

JOINT STIPULATION AND [PROPOSED] ORDER FOR MODIFICATION OF CASE MANAGEMENT SCHEDULE AND TRIAL DATE

Judge: Honorable Susan Illston

Complaint Filed: April 24, 2008

Trial Date: February 16, 2010

AND RELATED COUNTERCLAIMS.

STIPULATION

WHEREAS, counsel for Continental D.I.A. Diamond Products, Inc. (“Continental” or “Plaintiff”) and Defendants Dong Young Diamond Industrial Co., Ltd. and counsel for DongSoo Lee (collectively “Defendants”) are actively engaged in settlement discussions which respective counsel believe will lead to a final resolution of this matter.

WHEREAS, counsel believe that a thirty (30) day suspension of applicable deadlines in this case will allow the parties and counsel to devote their attention and resources to a final resolution of

1 this matter, and

2 WHEREAS, the agreed upon extension of the fact and expert discovery deadlines,
3 dispositive motion deadlines and the trial date is not for the purpose of delay, and the parties believe
4 that this reasonable extension of time may well obviate the need for trial in this matter, and is in the
5 interests of fairness and in the interests of justice.

6 ACCORDINGLY, the parties, by and through their undersigned counsel, HEREBY
7 STIPULATE as follows:

8 In order to avoid prejudicing the parties' discovery efforts and trial preparations, and to
9 allow the parties to focus on settlement negotiations, the parties agree and respectfully request that
10 the current pre-trial schedule be modified as follows:

- 11 1.
- 12 2. The fact discovery cut-off, which is currently set for October 5, 2009, is extended to
13 November 5, 2009;
- 14 3. The deadline to designate experts, which is currently set for November 12, 2009, is
15 extended to December 14, 2009;
- 16 4. The deadline to designate rebuttal experts, which is currently set for December 7,
17 2009, is extended to January 7, 2010; and
- 18 5. The expert discovery cut-off, which is currently December 23, 2009 is extended to
19 January 25, 2010.
- 20 6. The dates for dispositive motions is extended for thirty days, to the following
21 schedule:
 - 22 • Dispositive Motions Due: November 30, 2009
 - 23 • Oppositions Due: December 11, 2009
 - 24 • Replies Due: December 21, 2009
- 25 7. The hearing on dispositive motions, which is currently December 3, 2009, is reset for
26 January 15, 2010, or as soon thereafter as the Court's schedule permits.

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The pretrial conference has been continued to Tuesday, March 3/2/10 @ 3:30 p.m.

1 8. The trial date, which is currently February 16, 2010, is adjourned for thirty days, to
15
2 March 16, 2010 or as soon thereafter as the Court's schedule permits

3 9. All other deadlines are tolled for 30 days as of the date of this stipulation.

4 **IT IS SO STIPULATED BY THE PARTIES.**

5 Dated: September 1, 2009 MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO P.C.

6
7 /s/ Jeffrey M. Ratinoff

8 By: JEFFREY M. RATINOFF

9 Attorneys for Plaintiff/Counter-Defendant,
10 Continental D.I.A. Diamond Products, Inc.

11 Dated: September 1, 2009 PRETI FLAHERTY BELIVEAU & PACHIOS, LLP

12
13 /s/ Alfred C. Frawley

14 By: ALFRED C. FRAWLEY

15 Attorneys for Defendants/Counterclaimants,
16 Dong Young Diamond Industrial Co., Ltd., and DongSoo Lee

17 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

18
19 Dated:

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23 THE HONORABLE SUSAN ILLSTON
24 UNITED STATES DISTRICT COURT JUDGE

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