

1 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
 A Limited Liability Partnership
 2 Including Professional Corporations
 ROBERT J. STUMPF, JR., Cal. Bar No. 72851
 3 rstumpf@sheppardmullin.com
 STEVEN WINICK, Cal. Bar No. 160815
 4 shwinick@sheppardmullin.com
 Four Embarcadero Center, 17th Floor
 5 San Francisco, California 94111-4109
 Telephone: 415-434-9100
 6 Facsimile: 415-434-3947

7 Attorneys for RESPONDENT
 ANTHONY H. THOLE

8
 9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA

12 FISHER INVESTMENTS, INC., a California
 Corporation,

13 Petitioner,

14 v.

15 ANTHONY H. THOLE, an individual,

16 Respondent.
 17

Case No. 08-2872 SC

**STIPULATION TO CONTINUE MOTION
 TO CONFIRM ARBITRATION AWARD
 AND STATUS CONFERENCE;
~~PROPOSED~~ ORDER**

The Hon. Samuel Conti

18
 19
 20
 21
 22
 23
 24
 25
 26
 27
 28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

STIPULATION

The parties, by and through their respective counsel of record, stipulate and agree as follows:

1. The hearing on petitioner Fisher Investments, Inc.'s motion to confirm arbitration award, currently scheduled for September 19, 2008, shall be continued until November 14, 2008 at 10:00 a.m. in Courtroom One.

2. Respondent Anthony H. Thole's opposition papers, if any, shall be served and filed no later than October 24, 2008 (21 days before the hearing date).
Petitioner's reply papers, if any, shall be served and filed no later than October 31, 2008 (14 days before the hearing date).

3. In the event respondent fails to file opposition papers, the Court shall rule on petitioner's motion without a hearing.

4. The Status Conference, currently scheduled for September 19, 2008, shall be continued until November 14, 2008.

Dated: September 18, 2008

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

By _____ /s/ STEVEN WINICK

ATTORNEYS FOR RESPONDENT
ANTHONY H. THOLE

1 Dated: September 18, 2008

2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DUCKOR SPRADLING METZGER & WYNNE

By _____ /s/
SCOTT METZGER

ATTORNEYS FOR PETITIONER
FISHER INVESTMENTS, INC.

ORDER

IT IS SO ORDERED.

By _____
THE HON _____ CONTI

