

1 **Samuel R. Miller (SBN 66871)**
 2 **srmiller@sidley.com**
 3 **Robert B. Martin III (SBN 235489)**
 4 **rbmartin@sidley.com**
 5 **SIDLEY AUSTIN LLP**
 6 **555 California Street, Suite 2000**
 7 **San Francisco, California 94104**
 8 **Telephone: (415) 772-1200**
 9 **Facsimile: (415) 772-7400**

6 **Attorneys For Plaintiff COPART, INC.**

8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10 SAN FRANCISCO DIVISION

12 COPART, INC., a California corporation,

14 Plaintiff,

15 vs.

17 AUTO AUCTION SERVICES CORP., a
 18 Maryland corporation,

18 Defendant.

) Case No. CV 08-3393 JSW

)
) **STIPULATION AND ~~PROPOSED~~ ORDER**
) **CONTINUING HEARING ON**
) **DEFENDANT'S MOTION TO DISMISS**
) **AND INITIAL CASE MANAGEMENT**
) **CONFERENCE**

) Date: December 12, 2008

) Time: 9:00 a.m.

) Judge: Honorable Jeffrey S. White

1 WHEREAS, on August 25, 2008, Defendant Auto Auction Services Corporation (“AASC”)
2 filed a Motion to Dismiss the Complaint in this matter;

3 WHEREAS, on August 29, 2008, the Court set December 12, 2008 as the hearing date for
4 AASC’s Motion to Dismiss;

5 WHEREAS, on September 15, 2008, the Court set December 12, 2008 as the date for the
6 Initial Case Management Conference, to follow the hearing on AASC’s Motion to Dismiss;

7 WHEREAS, on December 9, 2008, the parties reached a tentative agreement-in-principle to
8 resolve amicably their disputes related to this matter, but anticipate needing additional time to
9 formalize that tentative agreement-in-principle;

10 WHEREAS, in the interests of judicial economy and to encourage settlement, the parties
11 agreed to continue the hearing on AASC’s Motion to Dismiss and the Initial Case Management
12 Conference;

13 THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the
14 undersigned, subject to approval of the Court, that the hearing on AASC’s Motion to Dismiss and
15 the Initial Case Management Conference are continued to February 13, 2009.

16
17 Respectfully submitted,

18 Dated: December 9, 2008

SIDLEY AUSTIN LLP

19
20 By: /s/ Robert B. Martin III

21 Robert B. Martin III
Attorneys For Plaintiff Copart, Inc.

22
23 Dated: December 9, 2008

ALSTON & BIRD LLP

24
25 By: /s/ Valarie C. Williams

26 Valarie C. Williams
Attorneys for Defendant Auto Auction
27 Services Corp.

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

~~PROPOSED~~ ORDER

Upon stipulation of the parties, and good cause appearing, the hearing on AASC's Motion to Dismiss and the Initial Case Management Conference are continued to February 13, 2009.

IT IS SO ORDERED.

Dated: December 10, 2008



THE HONORABLE JEFFREY S. WHITE
United States District Judge