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11 Attorneys for Plaintiff  
 12 GREGORY SHADE

13  
 14 UNITED STATES DISTRICT COURT  
 15 NORTHERN DISTRICT OF CALIFORNIA

16  
 17 GREGORY SHADE,

Case No. 08 CV 3471 (SI)

18 Plaintiff,

**STIPULATED REQUEST FOR  
 CONTINUANCE OF HEARING ON  
 MOTION TO DISMISS, MOTION FOR  
 PRELIMINARY INJUNCTION AND CASE  
 MANAGEMENT CONFERENCE**

19 vs.

20 DANIEL PATRICK GORMAN  
 individually and doing business as  
 21 CHARLIE SEVEN FILMS, LLC,  
 FRAMEBIRD MEDIA, CHIP R.  
 22 BEASLEY, and ANDREW ELLIS,

Date:  
 Time: 9:00 a.m.  
 Judge: Hon. Susan Illston  
 Dept: Courtroom 10, 19<sup>th</sup> Floor

23 Defendants.  
 24

25  
 26 This Stipulation is made pursuant to Civil Local Rule 6-1(b) and 6-2 with reference to the  
 27 following facts:  
 28

1 WHEREAS, the Court has noticed Hearings on Defendant Gorman's Motion to Dismiss  
2 and Anti-SLAPP Motion to Strike, Plaintiff's Motion for Preliminary Injunction and the Parties'  
3 Case Management Conference for November 14, 2008 (Dkts. 24, 31, 32);

4 WHEREAS, after Plaintiff filed his Motion for Preliminary Injunction, pursuant to Court  
5 Order, the Parties engaged in Expedited Discovery, including depositions of Plaintiff and  
6 Defendant Gorman (Dkt. 33);

7 WHEREAS, the Plaintiff thereafter filed a Reply in Support of Motion for Preliminary  
8 Injunction that incorporates new legal and factual contentions based on the depositions;

9 WHEREAS, the Parties agree that Defendant should be entitled to address these legal and  
10 factual contentions in a surreply not to exceed ten pages in length and that the Hearings should be  
11 continued to permit Defendant to file such a surreply;

12 IT IS HEREBY STIPULATED BY THE PARTIES, by and through their undersigned  
13 counsel of record, and the Parties jointly request, that the Hearings on Defendant Gorman's  
14 Motion to Dismiss and Anti-SLAPP Motion to Strike, Plaintiff's Motion for Preliminary  
15 Injunction, and the Case Management Conference, currently set for November 14, 2008, be  
16 rescheduled for December 5, 2008, or a date as soon thereafter as the Court's calendar permits,  
17 and that Defendant be permitted to file a surreply of not more than ten pages two weeks before  
18 such new hearing date.

19 DATED: November 4, 2008

DATED: November 4, 2008

20 SIDEMAN & BANCROFT LLP

FARELLA BRAUN + MARTEL LLP

21 By: /s/  
22 ROBERT R. CROSS  
23 Attorneys for Plaintiff

By: /s/  
DEEPAK GUPTA  
Attorneys for Defendants DANIEL PATRICK  
GORMAN, individually and doing business as  
CHARLIE SEVEN FILMS, LLC, and  
FRAMEBIRD MEDIA

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**ORDER**

Having reviewed the parties' Stipulated Request for Continuance of Hearing on Motion to Dismiss, Motion for Preliminary Injunction and Case Management Conference herein,

IT IS HEREBY ORDERED THAT:

Defendant Gorman's Motion to Dismiss and Anti-SLAPP Motion to Strike, Plaintiff's Motion for Preliminary Injunction and the Case Management Conference (Dkts. 24, 31, 32) are continued to December 12, 2008, at 9:00 a.m. and 2:00 p.m., respectively

Two weeks before the continued hearing, Gorman may file a surreply in opposition to Plaintiff's Motion for Preliminary Injunction not to exceed ten pages in length.

Dated: \_\_\_\_\_, 2008



\_\_\_\_\_  
Susan Illston  
United States District Judge