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 13 *Attorneys for Plaintiffs*

11 UNITED STATES DISTRICT COURT  
 12 NORTHERN DISTRICT OF CALIFORNIA

13 ASIS INTERNET SERVICES, a California  
 14 corporation, and JOEL HOUSEHOLTER, dba  
 15 KNEELAND ENGINEERING, dba  
 16 FOGGY.NET,

17 Plaintiffs,

18 vs.

19 CONSUMERBARGAINGIVEAWAYS, LLC,  
 20 an Illinois Limited Liability Company, dba  
 21 OPINIONRESEARCHPANEL aka  
 22 OPINIONRESEARCHPANEL.COM;  
 23 CONSUMER REVIEW NETWORK, LLC, a  
 24 Delaware limited liability company, dba  
 25 CONSUMERREVIEWNETWORK.COM;  
 26 DIRECTGIFTCARDPROMOTIONS, LLC, an  
 27 Illinois limited liability company, dba  
 28 LAPTOPREVIEWPANEL aka  
 LAPTOPREVIEWPANEL.COM; JEFF M.  
 ZWEBEN; and DOES ONE through FIFTY,

Case No. C 08-4856 WHA

**AMENDED AND FURTHER  
 STIPULATION RE: HEARING DATE ON  
 DEFENDANTS' MOTION TO DISMISS  
 PURSUANT TO FED. R. CIV. P. 12(b)(1),  
 12(b)(2) AND 12(b)(6) OR, IN THE  
 ALTERNATIVE, MOTION FOR MORE  
 DEFINITE STATEMENT PURSUANT TO  
 FED. R. CIV. P. 12(e) AND REQUEST FOR  
 ORDER CONTINUING DATE FOR  
 HEARING FOR GOOD CAUSE AND  
 SETTING NEW DATE FOR FILING OF  
 REPLY TO OPPOSITION, AND ORDER  
 THEREON.**

Date: March 19, 2009

Time: 2:00 p.m.

Place: Courtroom 9

Case No. C 08-04856 WHA

AMENDED AND FURTHER STIPULATION RE: HEARING DATE ON DEFENDANTS' MOTION TO DISMISS PURSUANT TO  
 FED. R. CIV. P. 12(b)(1), 12(b)(2) AND 12(b)(6) OR, IN THE ALTERNATIVE, MOTION FOR MORE DEFINITE STATEMENT  
 PURSUANT TO FED. R. CIV. P. 12(e) AND REQUEST FOR ORDER CONTINUING DATE FOR HEARING FOR GOOD  
 CAUSE AND SETTING NEW DATE FOR FILING OF REPLY TO OPPOSITION, AND ORDER THEREON.

1 inclusive,

Hon. Judge William Alsup, Presiding

2 Defendants.

3 This Stipulation is entered into by and between Plaintiffs ASIS INTERNET SERVICES, a  
 4 California corporation, and JOEL HOUSEHOLTER, dba KNEELAND ENGINEERING, dba  
 5 FOGGY.NET (collectively "Plaintiffs"), on the one hand, and CONSUMERBARGAININGVEAWAYS,  
 6 LLC, an Illinois Limited Liability Company, dba OPINIONRESEARCHPANEL aka  
 7 OPINIONRESEARCHPANEL.COM; CONSUMER REVIEW NETWORK, LLC, a Delaware limited  
 8 liability company, dba CONSUMERREVIEWNETWORK.COM; and  
 9 DIRECTGIFTCARDPROMOTIONS, LLC, an Illinois limited liability company, dba  
 10 LAPTOPREVIEWPANEL aka LAPTOPREVIEWPANEL.COM (collectively "Defendants"), on the  
 11 other hand, pursuant to Rule 7-7(b) of the Local Rules of the United States District Court, Northern  
 12 District of California.

13 WHEREAS, on January 15, 2009, Defendants filed a motion to dismiss pursuant to Rule 12(b) of  
 14 the Federal Rules of Civil Procedure; and

15 WHEREAS, the noticed date for hearing on Defendants' motion to dismiss is March 19, 2009 at  
 16 2:00 p.m.; and

17 WHEREAS, Plaintiffs filed their opposition to Defendants' motion to dismiss on February 10,  
 18 2009; and

19 WHEREAS, the parties have not previously stipulated to continue the hearing date on  
 20 Defendants' motion to dismiss; and

21 WHEREAS, on February 25, 2008, Plaintiffs' Counsel advised Defendants' counsel that they  
 22 wish to supplement their Opposition to the Motion to Dismiss; and

23 WHEREAS, if approved by the Court, Plaintiffs' counsel will file their Supplemental Opposition  
 24 on or before March 5, 2009; and

25 Case No. C 08-04856 WHA

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 27 AMENDED AND FURTHER STIPULATION RE: HEARING DATE ON DEFENDANTS' MOTION TO DISMISS PURSUANT TO  
 28 FED. R. CIV. P. 12(b)(1), 12(b)(2) AND 12(b)(6) OR, IN THE ALTERNATIVE, MOTION FOR MORE DEFINITE STATEMENT  
 PURSUANT TO FED. R. CIV. P. 12(e) AND REQUEST FOR ORDER CONTINUING DATE FOR HEARING FOR GOOD  
 CAUSE AND SETTING NEW DATE FOR FILING OF REPLY TO OPPOSITION, AND ORDER THEREON.

1 WHEREAS, if approved by the Court, Defendants' counsel will file their Reply to the  
2 Opposition and Supplemental Opposition by March 12, 2009; and

3 WHEREAS, if approved by the Court, the parties have agreed to have the hearing date on  
4 Defendants' motion to dismiss continued to March 26, 2009 at 2:00 p.m. in order that Plaintiffs may file  
5 Supplemental Opposition by March 5, 2009 and Defendants shall have until March 12, 2009 to file a  
6 Reply to the Opposition and Supplemental Opposition,

7 NOW THEREFORE, the parties do agree as follows and jointly request that the Court continue  
8 the hearing date on the Motion to Dismiss to March 26, 2009 and Order that any Supplemental  
9 Opposition be filed by March 5, 2009 and that any Reply brief be filed by March 12, 2009; the Parties  
10 hereby stipulate as follows:

11 1. The hearing date on Defendants' motion to dismiss shall be continued to March 26, 2009  
12 at 2:00 p.m.

13 2. Any Supplemental Opposition of Plaintiffs to the Motion to Dismiss be filed by March 5,  
14 2009.

15 3. Any Reply of the Defendants to the Opposition or Supplemental Opposition be filed by  
16 March 12, 2009.

17 4. Good cause exists for the requested Order in that Plaintiffs have indicated that they would  
18 like to file a Supplemental Opposition, and would do so by March 5, 2009, and Defendants request  
19 additional time to Reply to the Opposition and Supplemental Opposition.

20 5. This stipulation shall be filed with the Court for an Order thereon. The Parties jointly  
21 request that the Court continue the hearing on Defendants' Motion to Dismiss to March 26, 2009 at 2:00  
22 p.m. and Order that any Supplemental Opposition be filed by March 5, 2009 and any Reply be filed by  
23 March 12, 2009.

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26 Case No. C 08-04856 WHA

27 AMENDED AND FURTHER STIPULATION RE: HEARING DATE ON DEFENDANTS' MOTION TO DISMISS PURSUANT TO  
28 FED. R. CIV. P. 12(b)(1), 12(b)(2) AND 12(b)(6) OR, IN THE ALTERNATIVE, MOTION FOR MORE DEFINITE STATEMENT  
PURSUANT TO FED. R. CIV. P. 12(e) AND REQUEST FOR ORDER CONTINUING DATE FOR HEARING FOR GOOD  
CAUSE AND SETTING NEW DATE FOR FILING OF REPLY TO OPPOSITION, AND ORDER THEREON.

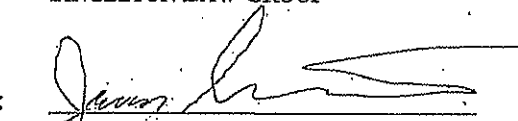
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SO STIPULATED:

SINGLETON LAW GROUP

Dated: 3-3-09, 2009

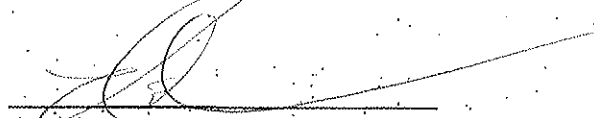
By:

  
Jason K. Singleton  
Richard E. Grabowski  
Attorneys for Plaintiffs

KLEIN ZELMAN ROTHERMEL LLP

Dated: 3/3/09, 2009

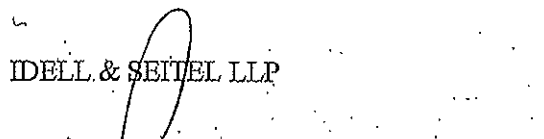
By:

  
Richard B. Newman  
Attorneys for Defendants

Dated: 3-3-09, 2009

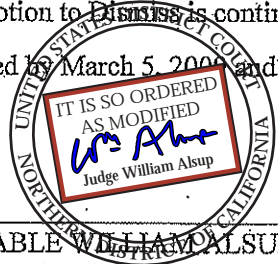
IDELL & SEITEL LLP

By:

  
Richard J. Idell, Attorneys for Defendants

**[PROPOSED] ORDER ON STIPULATION**

The stipulation of the parties having come before the Court and good cause appearing therefore, it is hereby ordered that the hearing on Defendants' Motion to Dismiss is continued to March 26, 2009 at 2:00 p.m. Any Supplemental Opposition shall be filed by March 5, 2009 and any Reply shall be filed by March 12, 2009.



Dated: March 4, 2009

HONORABLE WILLIAM ALSUP  
UNITED STATES DISTRICT COURT JUDGE

This order does **not** approve any supplemental opposition itself. Any such filing must be accompanied by a request for leave to file setting forth good cause therefor.

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AMENDED AND FURTHER STIPULATION RE: HEARING DATE ON DEFENDANTS' MOTION TO DISMISS PURSUANT TO FED. R. CIV. P. 12(b)(1), 12(b)(2) AND 12(b)(6) OR, IN THE ALTERNATIVE, MOTION FOR MORE DEFINITE STATEMENT PURSUANT TO FED. R. CIV. P. 12(c) AND REQUEST FOR ORDER CONTINUING DATE FOR HEARING FOR GOOD CAUSE AND SETTING NEW DATE FOR FILING OF REPLY TO OPPOSITION, AND, ORDER THEREON.

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**CERTIFICATE OF SERVICE**

I am employed in the City and County of Manhattan, State of New York in the office of a member of the bar of this court at whose direction the following service was made. I am over the age of eighteen years and not a party to the within action. My business address is Klein Zelman Rothermel LLP, 485 Madison Avenue, New York, NY 10022.

On \_\_\_\_\_ I served the following document(s):

by regular UNITED STATES MAIL by placing a true and correct copy in a sealed envelope addressed as shown below. I am readily familiar with the practice of Klein Zelman Rothermel LLP for collection and processing of correspondence for mailing. According to that practice, items are deposited with the United States Postal Service at New York, New York on that same day with postage thereon fully prepaid. I am aware that, on motion of the party served, service is presumed invalid if the postal cancellation date or the postage meter date is more than one day after the date of deposit for mailing stated in this affidavit.

by ELECTRONIC MAIL. As this case is subject to the United States District Court for the Northern District of California ECF program, pursuant to General Rule 45, upon the filing of the above-entitled document(s) an automatically generated e-mail message was generated by the Court's Court's electronic filing system and sent to the address(es) shown below and constitutes service on the receiving party.

The Singleton Law Group  
Jason K. Singleton  
Richard E. Grabowski  
611 "L" Street, Suite A  
Eureka, CA 95501

I certify and declare under penalty of perjury that the foregoing is true and correct, that I am employed in the office of an attorney qualified to practice in this court, and that I executed this declaration at New York, New York.

\_\_\_\_\_  
Richard B. Newman

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