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Attorneys for Defendant,
 NEBUAD, INC.

19 UNITED STATES DISTRICT COURT
 20 NORTHERN DISTRICT OF CALIFORNIA

21 DAN VALENTINE, et al.,
 22
 23 Plaintiffs,
 24 vs.
 25 NEBUAD, INC., et al.,
 26 Defendants.

No. C08-cv-05113 (TEH)
**STIPULATION AND [PROPOSED]
 ORDER TO CONTINUE CASE
 MANAGEMENT CONFERENCE
 AND HEARING DATE FOR
 DEFENDANT NEBUAD, INC.'S
 MOTION TO DISMISS**
 Hon. Thelton E. Henderson.
 Complaint Filed: November 10, 2008
 Trial Date: None Set

1 Pursuant to Local Rule 6-1, Plaintiffs and Defendant NebuAd, Inc. (“NebuAd”) hereby
2 stipulate and agree as follows:

3 1. On November 16, 2009, the Court set the further Case Management Conference
4 for March 1, 2009. (*See* DKT. 180). On December 10, 2009, the parties filed a stipulation and
5 proposed order, which was issued by the Court, to continue the hearing for NebuAd’s Motion to
6 Dismiss, (DKT. 4), also to March 1, 2009. (DKTS. 186,187).

7 2. The parties stipulate that the further Case Management Conference and hearing on
8 NebuAd’s Motion to Dismiss (DKT. 4) shall be continued to April 5, 2010.

9 3. Since November 16, 2009 Case Management Conference, the parties have
10 advanced the litigation as discussed with the Court, including the commencement of discovery.

11 4. Defendant served its initial disclosures on December 18, 2009. As discussed at the
12 Case Management Conference, Defendant has succeeded in identifying a former NebuAd
13 employee, who has been appointed as NebuAd’s representative to assist with discovery and the
14 defense.

15 5. The parties are currently engaged in, good faith settlement discussions. These
16 discussions are complex, multifaceted and address the interests of parties and certain nonparties.
17 While the Parties are optimistic, no agreement has been reached and significant work remains.

18 6. In light of the ongoing settlement discussions, the parties respectfully request the
19 Court’s endorsement of the stipulation herein to continue the Case Management Conference and
20 hearing on NebuAd’s Motion to Dismiss.

21
22 Dated: February 22, 2010

Respectfully submitted,
KamberLaw, LLC

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24 By: /s/ David A. Stampley

25 DAVID A. STAMPLEY
26 Attorneys for Plaintiffs
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