

1 SCOTT KAMBER (*pro hac vice*)
 2 skamber@kamberedelson.com
 3 DAVID A. STAMPLEY
 4 dstampley@kamberedelson.com (*pro hac vice*)
 5 KAMBERLAW, LLC
 6 11 Broadway, 22nd Floor
 7 New York, New York 10004
 8 Telephone: (212) 920-3072
 9 Facsimile: (212) 202-6364

ROBERT A. WEIKERT (State Bar No. 121146)
rweikert@nixonpeabody.com
 TALLEY E. MCINTYRE (State Bar No. 203131)
tmcintyre@nixonpeabody.com
 NIXON PEABODY LLP
 One Embarcadero Center, 18th Floor
 San Francisco, California 94111-3600
 Telephone: (415) 984-8200
 Fax: (415) 984-8300

7 JOSEPH H. MALLEY (*pro hac vice*)
 8 LAW OFFICE OF JOSEPH H. MALLEY, P.C.
 9 1045 North Zang Boulevard
 10 Dallas, Texas 75208
 11 Telephone: (214) 943-6100
 12 Facsimile: (214) 943-6170

JASON C. KRAVITZ (*pro hac vice*)
jkravitz@nixonpeabody.com
 NIXON PEABODY LLP
 100 Summer Street
 Boston, MA 02110-2131
 Telephone: (617) 345-1000
 Fax: (617) 345-1300

11 DAVID C. PARISI (SBN 162248)
 12 SUZANNE HAVENS BECKMAN (SBN 188814)
 13 dcparsi@parisihavens.com
 14 shavens@parisihavens.com
 15 PARISI & HAVENS LLP
 16 15233 Valleyheart Drive
 17 Sherman Oaks, California 91403
 18 Telephone: (818) 990-1299
 19 Facsimile: (818) 501-7852

17 Attorneys for Plaintiffs
 18 Additional counsel listed on signature pages

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, 2010, 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, 2010. (DKTS. 186,187).

7 2. On February 22, 2010, the parties filed a joint stipulation and proposed order,
8 which was issued by the Court, to continue the further Case Management Conference and
9 NebuAd’s Motion to Dismiss to April 5, 2010. (DKTS. 193, 194).

10 3. The parties stipulate that the further Case Management Conference and hearing on
11 NebuAd’s Motion to Dismiss (DKT. 4) shall be continued to May 17, 2010.

12 4. Since the November 16, 2009 Case Management Conference, the parties have
13 advanced the litigation as discussed with the Court, including the commencement of discovery.

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

18 6. As noted in the February 22, 2010 Joint Stipulation, the parties continue to be
19 engaged in, good faith settlement negotiations, which are multifaceted and involve the interests of
20 parties and certain nonparties. The Parties are working diligently on settlement terms, but due to
21 the complex nature of the settlement, an agreement has yet to be reached.

22 7. In light of the ongoing settlement discussions, the parties respectfully request the
23 Court’s endorsement of the stipulation herein to continue the Case Management Conference and
24 hearing on NebuAd’s Motion to Dismiss.

25 8. The Parties will make themselves available to update the Court in person if so
26 desired.

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

Dated: March 29, 2010

Respectfully submitted,
KamberLaw, LLC

By: /s/ David A. Stampley

DAVID A. STAMPLEY
Attorneys for Plaintiffs

Nixon Peabody LLP

Dated: March 29, 2010

By: /s/ Talley E. McIntyre

TALLEY E. MCINTYRE
Attorneys for Defendant
NebuAd, Inc.

BRIAN J. PANISH (SBN 116060)
panish@psblaw.com
RAHUL RAVIPUDI (SBN 204519)
ravipudi@psblaw.com
PANISH, SHEA & BOYLE, LLP
11111 Santa Monica Boulevard, Suite 700
Los Angeles, California 90025
Telephone: (310) 477-1700
Facsimile: (310) 477-1699

Additional Attorneys for Plaintiffs

PURSUANT TO STIPULATION, IT IS SO ORDERED

Dated: 03/30/10

Hon. Thelton E. Henderson
United States District Court

