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Attorneys for Plaintiffs
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Attorneys for Defendant,
 NEBUAD, INC.

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

DAN VALENTINE, et al.,
 Plaintiffs,
 vs.
 NEBUAD, INC., et al.,
 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. 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). The Parties further stipulated
10 (DKT. 195), which was further Ordered by the Court (DKT. 196), that the further Case
11 Management Conference and hearing on NebuAd’s Motion to Dismiss (DKT. 4) shall be
12 continued to May 17, 2010.

13 3. Since the last continuance, the Parties have advanced the litigation as discussed
14 with the Court, including the completion of non-electronic document discovery.

15 4. As first noted in the February 22, 2010 Joint Stipulation, the Parties continue to be
16 engaged in good faith settlement negotiations which are multifaceted and involve the interests of
17 parties and certain nonparties. Specifically, the Parties have engaged in settlement discussions in
18 person and by telephone. These discussions have included the Parties themselves, former
19 directors and officers of NebuAd, as well as the insurance carriers. The Parties are working
20 diligently on settlement terms, but due to the complex nature of the settlement, an agreement has
21 yet to be reached.

22 5. The Parties hereby request that the further Case Management Conference and
23 hearing on NebuAd’s Motion to Dismiss (DKT. 4) shall be continued to June 28, 2010.

24 6. This will be the final request for extension of the Case Management Conference
25 sought by the Parties. If the Parties have not completed their negotiations in the next 30 days, the
26 Parties are prepared to move forward with the Case Management Conference. In light of the
27 ongoing settlement discussions, the Parties respectfully request the Court’s endorsement of the
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1 stipulation herein to continue the Case Management Conference and hearing on NebuAd's
2 Motion to Dismiss.

3 7. The Parties will make themselves available to update the Court if so desired.

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Dated: May 10, 2010

Respectfully submitted,
KamberLaw, LLC

By: /s/ David A. Stampley

DAVID A. STAMPLEY
Attorneys for Plaintiffs

Nixon Peabody LLP

Dated: May 10, 2010

By: /s/ Robert A. Weikert

ROBERT A. WEIKERT
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NebuAd, Inc.

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GENERAL ORDER 45 CERTIFICATION

I, Robert A. Weikert, hereby attest pursuant to N.D. Cal. General Order No. 45 that the concurrence to the filing of this document has been obtained from each signatory hereto.

DATED: May 10, 2010

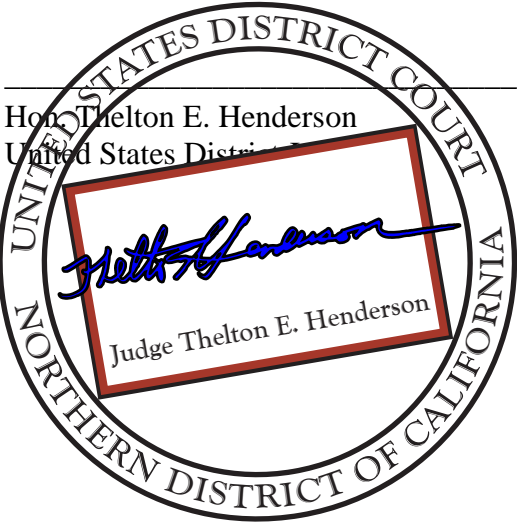
Nixon Peabody LLP

By: _____/s/ Robert A. Weikert

ROBERT A. WEIKERT
Attorneys for Defendant
NebuAd, Inc.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: _____ 05/11/10 _____



Hon. Thelton E. Henderson
United States District Court