

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

6 JASON C. KRAVITZ (*Pro Hac Vice*)
 7 jkravitz@nixonpeabody.com
 8 NIXON PEABODY LLP
 9 100 Summer Street
 Boston, MA 02110-2131
 Telephone: (617) 345-1000
 Fax: (617) 345-1300

10 Attorneys for Defendant
 11 NEBUAD, INC.

12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA

14 DAN VALENTINE, et al.,

15 Plaintiffs,

16 vs.

17 NEBUAD, INC., et al.,

18 Defendants.

No. C08cv-05113(TEH)(EMC)

**REQUEST OF JASON KRAVITZ TO
 ATTEND CASE MANAGEMENT
 CONFERENCE VIA TELEPHONE AND
 [PROPOSED] ORDER**

Date: June 28, 2010
 Time: 10:00 a.m.
 Hon. Thelton E. Henderson

Complaint File: November 10, 2008
 Trial Date: None Set

21 Defendant, NebuAd, Inc. ("NebuAd") respectfully requests that lead trial counsel be
 22 permitted to attend the Case Management Conference set in this matter for June 28, 2010,
 23 telephonically. Lead counsel for NebuAd, Jason Kravitz, is based in Boston. Mr. Kravitz attended
 24 the last Case Management Conference, and NebuAd believes that it will be beneficial to the Court to
 25 have Mr. Kravitz participate in the Case Management Conference – particularly as Mr. Kravitz has
 26 taken the lead on settlement discussions with Plaintiffs' counsel. However, Mr. Kravitz will be
 27 traveling to Europe on June 29 (the day after the conference), and thus he is respectfully requesting
 28

1 the opportunity to address the Court by telephone rather than having to fly to San Francisco. Talley
2 McIntyre, from Mr. Kravitz's law firm, will be attending in person.

3 While the Case Management Conference is currently scheduled in conjunction with a hearing
4 on a pending motion to dismiss, which would preclude a telephonic appearance, the parties have
5 requested that the motion to dismiss be continued. In the joint case management statement, the
6 parties have requested the Court refer the case to a U.S. Magistrate for assistance with settlement
7 negotiations through mediation. Based on the ongoing settlement efforts and anticipated mediation,
8 the parties have filed under separate cover a joint stipulation and proposed order requesting that the
9 motion to dismiss hearing be continued until after the termination of mediation if the parties are
10 unable to settle the case. The parties also requested that the Case Management Conference, currently
11 scheduled in conjunction with the hearing on the motion to dismiss on June 28, 2010 at 10:00 a.m.,
12 be moved to 1:30 p.m. in accordance with the Court's Standing Order.

13 For the foregoing reasons, NebuAd respectfully requests that Mr. Kravitz be permitted to
14 participate in the Case Management Conference telephonically.

15
16 DATED: June 21, 2010

Respectfully submitted,
NIXON PEABODY LLP

19 By: /s/ Talley E. McIntyre
20 TALLEY E. MCINTYRE
21 Attorneys for Defendant
NEBUAD, INC.

22 **[PROPOSED] ORDER**

23 It is hereby ordered that lead trial counsel for Defendant, NebuAd, Inc., Jason Kravitz, may
24 participate in the Case Management Conference scheduled for June 28, 2010 at ~~[10:00 a.m.]~~ [1:30
25 p.m.], telephonically.

26 Dated: 06/22/10

27 Hon. Thelton E. Henderson
United States District Judge

