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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**
 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 issued by the Court (DKT. 196), that the further Case Management
11 Conference and hearing on NebuAd’s Motion to Dismiss (DKT. 4) would be continued to May
12 17, 2010. On May 10, 2010, the Parties then filed a joint stipulation and proposed order, which
13 was ordered by the Court, to continue the further Case Management Conference and NebuAd’s
14 Motion to Dismiss until June 28, 2010. (DKTS. 197, 198). On June 21, 2010, the Parties jointly
15 stipulated, which was ordered by the Court, that NebuAd’s Motion to Dismiss be continued until
16 after mediation should the mediation be unsuccessful. (DKTS. 201, 202).

17 3. As requested in the Parties’ Joint Case Management Statement filed on June 21,
18 2010 (DKT. 199), at the June 28, 2010 Case Management Conference, the Court referred the case
19 to U.S. Magistrate Judge Joseph Spero for settlement. (DKT. 206). On July 23, 2010, Judge
20 Spero set the Settlement Conference for September 22, 2010. (DKT. 208).

21 4. In accordance with Court’s instructions at the June 28, 2010 Case Management
22 Conference, the Parties hereby request that the further Case Management Conference and hearing
23 on NebuAd’s Motion to Dismiss (DKT. 4) shall be continued until after the Settlement
24 Conference, should the Parties fail to resolve the case.

25 5. Should the Parties fail to resolve the case, the Parties agree, within 30 days after
26 the close of the Settlement Conference, to request a date for the further Case Management
27 Conference and a date to calendar NebuAd’s Motion to Dismiss.
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Dated: August 2, 2010

Respectfully submitted,
KamberLaw, LLC

By: /s/ David A. Stampley

DAVID A. STAMPLEY
Attorneys for Plaintiffs

Nixon Peabody LLP

Dated: August 2, 2010

By: /s/ Talley E. McIntyre

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