ystem	s, inc. v. Fuid et al							
	Case 3:08-cv-05683-SI	Document 39	Filed 02/	26/2009	Page 1 of 5			
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2	[*] 							
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8	Hernandez, David Goldfarb, Roger S. Berlind, Joseph M. Thomas H. Cruikshank, Mars	Gregory,						
10	Evans, Henry Kaufman, John	n D. Macomber,						
11	O'Meara	topher ivi.						
12	Additional counsel listed on signature page							
13	UNITED STATES DISTRICT COURT							
14	FOR THE NORTHERN DISTRICT OF CALIFORNIA							
15		SAN FRANCIS	SCO DIVI	ISION				
16	OPENWAVE SYSTEMS IN	ſC.,	CV	08 5683 (SI)			
17		Plaintiff,			D REQUEST TO			
18	v.			SCHEDU ANAGEM	<u>LE CASE</u> ENT CONFERENCE	<u>.</u>		
19	RICHARD S. FULD, JR., M ROLAND A. HERNANDEZ			ior CMC I	Date: March 27, 2009			
20		S. BERLIND, JOSEF		w CMC D	ate: April 24, 2009			
21	MARSHA JOHNSON EVAI KAUFMAN, JOHN D. MAC	NS, HENRY			of Simona G. Strauss ently herewith]			
22	RUSSO, CHRISTOPHER M MICHAEL GELBAND, ALI	I. O'MEARA,			,			
23	CONROY WHITNEY, TIM 50, inclusive,							
24	,	Defendants.						
25								
26								
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28								
	Stipulated Request to Resched	ule CMC			CV 08 568	33 (
"	_				D. J.	ا سا		

CV 08 5683 (SI)

Pursuant to Civil Local Rule 6-1(b) and Rule 6-2, Defendants Richard S. Fuld, Jr., Michael L. Ainslie, Roland A. Hernandez, David Goldfarb, John F. Akers, Roger S. Berlind, Joseph M. Gregory, Thomas H. Cruikshank, Marsha Johnson Evans, Henry Kaufman, John D. Macomber, Thomas A. Russo, Christopher M. O'Meara, Melissa Conroy Whitney, and Tim Ford ("Defendants"), by and through their respective counsel, request that the Case Management Conference currently scheduled for March 27, 2009 at 2:00 pm be continued until April 24, 2009 at 9:00 am. Plaintiff Openwave Systems Inc. ("Plaintiff") stipulates to the request.

WHEREAS, as set forth in the Declaration of Simona G. Strauss, dated February 26, 2009 and filed concurrently herewith, on or about November 21, 2008, Plaintiff filed a complaint against Defendants in the Superior Court of the State of California, San Francisco County (the "Complaint"):

WHEREAS on December 19, 2008, Defendants removed this action (the "Action") to the United States District Court for the Northern District of California;

WHEREAS on February 9, 2009, Defendants timely moved to dismiss the Action for failure to state a claim and, for some Defendants, for lack of personal jurisdiction, and moved to strike portions of the Complaint (the "Motions");

WHEREAS the Motions are scheduled for oral argument on April 24, 2009 at 9:00 m:

WHEREAS Plaintiff and Defendants agree that it would be most efficient, both for the Court and the parties, to hold the Case Management Conference on the date of oral argument on the Motions;

WHEREAS the Case Management Conference currently is scheduled for March 27, 2009, at 2:00 pm, four weeks before oral argument on the Motions; and

WHEREAS by entering into this stipulation, neither Plaintiff nor Defendants limit or waive any rights or defenses they may have in this Action, including but not limited to rights to jurisdictional discovery;

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1	NOW THEREFORE, IT IS HEREBY STIPULATED by and between counsel for						
2	the undersigned parties as follows:						
3	1. The Case Management Conference in this Action will be continued from March 27,						
4	2009 until Ap ril 24, 2009, at 9.00 am . May 1, 2009, at 2:30 p.m.						
5							
6	Dated: February 26, 2009	SII	MPSON THACHER &	& BARTLETT LLP			
7							
8		Ву	James G. Kreissman Attorneys for Defend	dants Richard S. Fuld, Jr.,			
10			Goldfarb, John F. Al	Roland A. Hernandez, David kers, Roger S. Berlind,			
11			Marsha Johnson Éve	Thomas H. Cruikshank, ans, Henry Kaufman, John			
12			D. Macomber, Thom Christopher M. O'M				
13				idmitted pro hac vice)			
14			Allen & Overy LLP 1221 Avenue of the	Americas			
15			New York, New York				
16			Attorneys for Defend	dant Richard S. Fuld, Jr.			
17							
18	Dated: February 26, 2009	JO	NES DAY				
19							
20		Ву	Philip Cook	/s/			
21			Attorneys for Defend Whitney and Tim Fo	lants Melissa Conroy rd			
22	D (1 E 1 2 (2000						
23	Dated: February 26, 2009	CC	OBLENTZ, PATCH, D	OUFFY & BASS LLP			
24		Des	,	/6/			
25		Ву	Howard A. Slavitt	ff Openwave Systems Inc.			
26			morneys jor r iainii	_{II} Openwave systems inc.			
27							
28							
	Stipulated Request to Reschedu	le CMC	-2-	CV 08 5683 (SI)			

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1	PURSUANT	TO STIPULATIO	ON, IT IS SO ORDER	RED.
2				
3				
4	DATED: February, 2009	9 <u>Th</u>	e Honorable Susan Ills	ton
5			ited States District Jud	
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ECF FILER'S ATTESTATION

I, James G. Kreissman, as the e-filing signatory, attest that concurrence in filing this document has been obtained from the signatories hereto, Phillip Cook and Howard A. Slavitt, and that concurrence in filing the Declaration of Simona G. Strauss in Support of Stipulated Request to Reschedule Case Management Conference has been obtained from Simona G. Strauss. In accordance with General Order 45 Section X(B), I shall maintain a record of the original signatures to support this concurrence for subsequent production for the Court if so ordered or for inspection upon request by a party until one year after final resolution of the action.

Dated: February 26, 2009

By	/s/	
_	James G. Kreissman	

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