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5 Attorneys for Plaintiff Red Head, Inc.

6  
 7 UNITED STATES DISTRICT COURT  
 8 NORTHERN DISTRICT OF CALIFORNIA  
 9 SAN FRANCISCO DIVISION

10 Red Head, Inc., a California corporation,

11 Plaintiff,

12 v.

13 Fresno Rock Taco, LLC, a California limited  
 14 liability company, and DOES 1-10,

15 Defendant.

CASE NO. C08-5703 EMC

**STIPULATION TO EXTEND TIME TO  
 RESPOND TO COMPLAINT AND  
 [PROPOSED] ORDER**

Date:  
 Time:  
 Dept: C, 15th Floor  
 Judge: Hon. Edward M. Chen

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 Butler & Marmaro LLP

1 This Stipulation for Extension of Time to File Response to Complaint (the  
2 "Stipulation") is made by and between Plaintiff Red Head, Inc. and Defendant Fresno Rock Taco,  
3 LLC pursuant to Local Rule 6-1. The Parties each stipulate and agree as follows:

4 RECITALS

5 WHEREAS plaintiff Red Head, Inc. filed its complaint on December 22, 2008 and  
6 served defendant Fresno Rock Taco, LLC with the summons and complaint on January 5, 2009;

7 WHEREAS pursuant to Fed. Rule of Civ. Proc. § 12(a) defendant's response to the  
8 complaint is due January 26, 2009;

9 WHEREAS defendant has requested an extension of time to February 18, 2009 to  
10 file its response;

11 WHEREAS plaintiff agreed to the extension provided defendant agreed to the  
12 following two conditions;

13 (i) defendant shall not request a further extension of time to respond; and

14 (ii) pursuant to Fed. Rule of Civ. Proc. § 26(d), which provides that parties may seek  
15 discovery prior to the Rule 26(f) conference upon stipulation, the parties shall commence written  
16 discovery immediately;

17 WHEREAS, pursuant to Local Rule 6-1 this extension of time will not alter any  
18 event or deadline already fixed by the Court.

19 STIPULATION

20 WHEREFORE, the Parties AGREE and STIPULATE as follows:


- 21 (1) Defendant has until February 18, 2009 to respond to the complaint;
- 22 (2) Defendant will not request a further extension of time to respond; and
- 23 (3) The parties shall commence written discovery immediately.

JMBM  
Jeffrey Mangels  
Butler & Marmaro LLP

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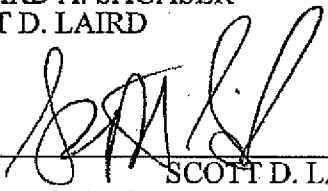
DATED: January 22, 2009

JEFFER, MANGELS, BUTLER & MARMARO LLP  
JAMES WESLEY KINNEAR  
CARLA MENINSKY

By:   
JAMES WESLEY KINNEAR  
Attorneys for Plaintiff RED HEAD, INC.

DATED: January 23, 2009

SAGASER, JONES & HELSLEY  
HOWARD A. SAGASER  
SCOTT D. LAIRD

By:   
SCOTT D. LAIRD  
Attorneys for Defendant FRESNO ROCK TACO, LLC

**PROPOSED ORDER**

The Court, having reviewed the Stipulation and good cause appearing:  
IT IS SO ORDERED.



DATED: January 23, 2009

\_\_\_\_\_  
Judge of the United States District Court

JMBM  
Jeffer Mangels  
Butler & Marmaro LLP