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6 Attorneys for Defendants, INSTAPLAK, INC.
 d/b/a IN THE SPOTLIGHT.COM, and
 7 MICHAEL STEPHEN STERN

8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA

11 YELP! INC., a Delaware Corporation,
 12 Plaintiff,
 13 v.
 14 INSTAPLAK, INC. D/B/A IN THE
 SPOTLIGHT.COM, and MICHAEL
 15 STEPHEN STERN,
 16 Defendants.

CASE NO. CV 08-5761 WHA

**STIPULATION AND ~~PROPOSED~~
 ORDER EXTENDING TIME TO
 CONDUCT MEDIATION**

ADR LOCAL RULE 6-5

18 PURSUANT TO ADR LOCAL RULE 6-5, counsel for Defendants and counsel for
 19 Plaintiff file this stipulation and proposed order extending the deadline for conducting mediation
 20 to September 30, 2009.

21 WHEREAS, on April 9, 2009, the Court issued a Case Management Order and Reference
 22 to ADR Unit for Mediation, wherein the Court referred the parties to the Court's ADR Unit for
 23 mediation;

24 WHEREAS, on April 23, 2009, the Court's ADR Unit assigned M. Scott Donahey to
 25 conduct a mediation with the parties and, pursuant to ADR L.R. 6-4, the parties were required to
 26 conduct a mediation session by July 8, 2009;

27 WHEREAS, defendant Instaplak's President, Michael Stern, will be out of the country on
 28 his honeymoon until September 15, 2009 and Mr. Stern is the only representative of Instaplak



1 with the knowledge and authority to adequately represent Instaplak at the mediation in this
2 matter;

3 WHEREAS, both parties have been diligently working to search for, retrieve and process
4 relevant electronic data for production in this case, but the process has taken significantly longer
5 than expected, at least on the part of defendant Instaplak, Inc., due to logistical and technical
6 obstacles related to the format and location of much of the relevant data;

7 WHEREAS, the parties have agreed to conduct a mediation on September 30, 2009 and
8 the parties, their counsel and mediator M. Scott Donahey have all confirmed their availability for
9 September 30, 2009;

10 WHEREAS, extending the time for the parties to conduct a mediation to September 30,
11 2009 will not alter the date for any hearing or conference set by the Court;

12 IT IS HEREBY STIPULATED AND AGREED by the parties, by and through their
13 respective counsel, that the time for the parties to conduct a mediation shall be continued to
14 September 30, 2009.

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17 DATED: June 4, 2009

SEDGWICK, DETERT, MORAN & ARNOLD LLP

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20 By: /s/ Matthew A. Fischer
21 MATTHEW A. FISCHER
22 Attorneys for Defendants, INSTAPLAK, INC.
23 d/b/a IN THE SPOTLIGHT.COM, and
24 MICHAEL STEPHEN STERN

25 DATED: June 4, 2009

TURNER & BOYD, LLP

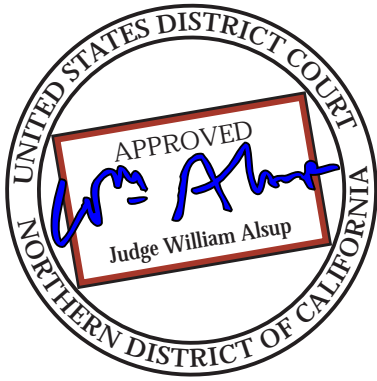
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27 /s/ Julie S. Turner
28 JULIE S. TURNER
Attorneys for Plaintiff YELP! INC.

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IT IS SO ORDERED, the parties shall conduct a mediation in this case no later than September 30, 2009. Please note there will be no further continuances.

Dated: June 10, 2009.

Hon. William J. Alsup
United States District Court Judge



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PROOF OF SERVICE

JUDGE: WILLIAM H. ALSUP

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1 I am a resident of the State of California, over the age of eighteen years, and not a party to
2 the within action. My business address is Sedgwick, Detert, Moran & Arnold LLP, One Market
3 Plaza, Steuart Tower, 8th Floor, San Francisco, California 94105. On June 5, 2009, I served the
4 within document(s):

5 **STIPULATION AND [PROPOSED] ORDER EXTENDING TIME TO**
6 **CONDUCT MEDIATION**

- 7 FACSIMILE - by transmitting via facsimile the document(s) listed above to the
8 fax number(s) set forth on the attached Telecommunications Cover Page(s) on this
9 date before 5:00 p.m.
- 10 MAIL - by placing the document(s) listed above in a sealed envelope with postage
11 thereon fully prepaid, in the United States mail at San Francisco, California
12 addressed as set forth below.
- 13 PERSONAL SERVICE - by personally delivering the document(s) listed above to
14 the person(s) at the address(es) set forth below.
- 15 E-MAIL - by electronically transmitting document(s) listed above to the person(s)
16 at the address(es) set forth below.
- 17 OVERNIGHT COURIER - by placing the document(s) listed above in a sealed
18 envelope with shipping prepaid, and depositing in a collection box for next day
19 delivery to the person(s) at the address(es) set forth below via .

20 **SEE ATTACHED LIST**

21 I am readily familiar with the firm's practice of collection and processing correspondence
22 for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same
23 day with postage thereon fully prepaid in the ordinary course of business. I am aware that on
24 motion of the party served, service is presumed invalid if postal cancellation date or postage
25 meter date is more than one day after date of deposit for mailing in affidavit.

26 I declare under penalty of perjury under the laws of the State of California that the above
27 is true and correct. Executed on June 5, 2009, at San Francisco, California.

28 
Rosanna R. Garfias

