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24 13 **UNITED STATES DISTRICT COURT**
 25 **NORTHERN DISTRICT OF CALIFORNIA**
 26 14 **SAN FRANCISCO DIVISION**

27 15
 16 **VOLKSWAGEN AG**, a German
 17 corporation, and **VOLKSWAGEN GROUP**
 18 **OF AMERICA, INC.**, a New Jersey
 19 corporation,
 Plaintiff,

v.

20 **VERDIER MICROBUS & CAMPER,**
 21 **INC.**, an entity of unknown origin, and
 22 **ALEXANDRE VERDIER**, an Individual,
 Defendants.

Civil Action No. C-09-0231-JSW

**ADMINISTRATIVE MOTION TO
 CONTINUE INITIAL CASE
 MANAGEMENT CONFERENCE AND
 RELATED DEADLINES, AND
~~PROPOSED~~ ORDER THEREON**

[Civil L.R. 7-11, 16-2(d)]

**[For Immediate Attention: Requesting
 Continuance of May 15, 2009 CMC]**

Courtroom: 2, 17th Floor
 Honorable Jeffrey S. White

1 **ADMINISTRATIVE MOTION TO CONTINUE INITIAL CASE MANAGEMENT**
2 **CONFERENCE AND RELATED DEADLINES**

3 Pursuant to Civil Local Rules 7-11 and 16-2(d), Plaintiffs Volkswagen AG and
4 Volkswagen Group of America, Inc. ("Plaintiffs") move to extend the date of the Initial Case
5 Management Conference and related deadlines.

6 Counsel for the parties have agreed upon the final form of a settlement
7 agreement and a separate stipulated final judgment of permanent injunction, which Plaintiffs are
8 informed have been approved by Defendants' principal. Plaintiffs are simply waiting to receive
9 executed versions of these documents so that the stipulated final judgment can be filed with the
10 Court. Plaintiffs expect to receive executed versions imminently and have confirmed with
11 Defendants' counsel that the signatures will be forthcoming. However, Plaintiffs were informed
12 today by Defendants' counsel that Defendants' principal is away and is unable to execute the
13 documents until likely May 14, 2009. Out of an abundance of caution, Plaintiffs now wish to
14 save the Court and parties any complication or waste of resources that may result if the Initial
15 Case Management Conference is not continued to allow sufficient time for the execution and
16 filing of the stipulated final judgment.
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19 The Initial Case Management Conference is currently scheduled for this Friday,
20 May 15, 2009 at 1:30 p.m. Due to the settlement discussions that have proven successful, no
21 Joint Case Management Conference Statement has been filed, and Defendants have not yet
22 answered nor has counsel for Defendants officially appeared in the case.
23

24 In light of the approved settlement between the parties that must simply be
25 formalized with final signatures, and in the interests of efficiency and conservation of resources
26 for the Court and the parties, Plaintiffs respectfully request the Initial Case Management
27

1 Conference be continued to **June 19, 2009 at 1:30 p.m.**, and that all other related deadlines
2 calculated based on the Initial Case Management Conference date also be continued
3 accordingly. Plaintiffs estimate this continuance will certainly provide sufficient time for the
4 parties to fully execute their settlement documents and file the stipulated final judgment,
5 ultimately avoiding the need to even hold an Initial Case Management Conference.
6

7 Plaintiffs have filed this request as an administrative motion pursuant to Civil
8 L.R. 7-11 instead of as a stipulation because Defendants have not answered in this action and
9 counsel for Defendants has not yet officially appeared in this action (and it is expected
10 Defendants' principal will simply execute the stipulated final judgment directly). However,
11 Plaintiffs are informed that Defendants do not oppose this motion. Accordingly, Plaintiffs
12 request that an order be entered on this administrative motion immediately, without the usual
13 Civil L.R. 7-11(b) waiting period of three days for a potential response, due to the imminence of
14 the Initial Case Management Conference currently scheduled for this Friday, May 15, 2009.
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16

17 Dated: May 12, 2009

18 SHEPPARD MULLIN RICHTER & HAMPTON LLP

19 /s/ Neil A. Smith

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21 NATHANIEL BRUNO, Cal. Bar No. 228118

22 Of Counsel (Admitted Pro Hac Vice):

23 HOWARD, PHILLIPS & ANDERSEN

24 Gregory D. Phillips Utah Bar No. 4645

25 Thomas R. Lee Utah Bar No. 5991

26 (Attorneys for Plaintiffs)
27

PROPOSED ORDER

IT IS HEREBY ORDERED THAT the Initial Case Management Conference in this action is continued to **June 19, 2009 at 1:30 p.m.**, and that all related deadlines calculated therefrom are also continued accordingly.

IT IS SO ORDERED.

Dated: May 12, 2009



Jeffrey S. White
United States District Court Judge