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13 **UNITED STATES DISTRICT COURT**
 14 **NORTHERN DISTRICT OF CALIFORNIA**

15
 16 IGUACU, INC.,

Case No. C 09-0380 RS

17 Plaintiff,

**JOINT APPLICATION TO EXTEND
 THE DEADLINE FOR SCHEDULING
 AND PARTICIPATING IN A FURTHER
 SETTLEMENT CONFERENCE AND TO
 CONTINUE THE CASE MANAGEMENT
 CONFERENCE; [~~PROPOSED~~] ORDER**

18 v.

19 ANTONIO CABRERA MANO FILHO,

20 Defendant.
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 28 SF-244146 v2

1 Defendant Antonio Cabrera Mano Filho (“Mr. Cabrera”) and Plaintiff Iguacu, Inc.
2 (“Iguacu”) jointly request that (1) the October 6, 2011 deadline for participating in a further
3 settlement conference with Magistrate Judge Zimmerman pursuant to the Court’s July 8, 2011 order,
4 [Dkt. No. 152], be extended to November 18, 2011; and (2) that the Case Management Conference
5 currently scheduled for October 13, 2011, [Dkt. No. 152], be continued for the following reasons:

6 1. This Court’s July 8th order directed the parties that “to the extent practicable, and
7 subject to Judge Zimmerman’s availability, to complete [the settlement conference] process
8 within 90 days”, [*id.*]—that is, by October 6, 2011. Judge Zimmerman scheduled a further
9 Settlement Conference for August 16, 2011. [Dkt. No. 153.] After full consideration and
10 discussion, the parties do not believe that a meaningful Settlement Conference can be held this
11 soon and schedule conflicts dictate that the deadline be extended and the Settlement Conference
12 be rescheduled to the period between November 1 and November 18, 2011.

13 2. Iguacu does not believe that a productive Settlement Conference can be held until
14 completion of discovery currently pending, including production of documents requested from
15 Mr. Cabrera and subpoenaed from Archer Daniels Midland Company (“ADM”) in Decatur, Illinois.
16 Mr. Cabrera intends to produce responsive documents in mid-August, but Iguacu cannot presently
17 determine how much time ADM will require to respond to the subpoena, and expects that the process
18 may take several more weeks. Once responsive documents are received, Iguacu’s counsel will
19 need to review and analyze them in order to quantify the damage claims and evaluate liability issues.

20 3. Mr. Cabrera is a citizen and resident of Brazil; Ms. Seturam, Iguacu’s CEO, is living
21 in India to care for her ill mother. As a result, travel and care arrangements for their attendance must
22 be made well in advance. It is not feasible for either of them to attend the presently scheduled
23 Settlement Conference, and it is unlikely to be successful without their attendance.

24 4. The earliest that Iguacu believes it could be ready to participate in a productive
25 Conference would be the last week of September; however, Judge Zimmerman’s schedule for that
26 week and the first week of November is full, and Mr. Cabrera’s counsel has existing schedule
27 conflicts throughout the month of October. Therefore, the parties agree that the Conference should be
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1 held between November 1 and November 18, 2011, so that discovery can be substantially completed,
2 and the principals can arrange to attend.

3 5. Wherefore, the parties respectfully request that the deadline for scheduling and
4 participating in a further settlement conference with Magistrate Judge Zimmerman be extended to
5 November 18, 2011. The parties recognize that they are responsible for scheduling a specific date
6 with Judge Zimmerman's chambers and in accordance with his procedures and will plan on
7 making those arrangements directly with Judge Zimmerman upon this Court's approval of the
8 instant application. The parties are currently in the process of choosing a date that is mutually
9 agreeable.

10 6. The parties further request that the Case Management Conference currently
11 scheduled for October 13, 2011 be continued to the second week in December after the parties
12 participate in the settlement conference with Judge Zimmerman.

13
14 K&L GATES LLP

15
16 Dated: August 5, 2011

By: /s/ Claudia A. Quiroz

17 Edward P. Sangster
18 Claudia A. Quiroz
19 Attorneys for Defendant ANTONIO
20 CABRERA MANO FILHO

21 SIDEMAN & BANCROFT, LLP

22 Dated: August 5, 2011

By: /s/ Robert R. Cross

23 Robert R. Cross
24 Attorney for Plaintiff IGUACU, INC.

1 **ECF ATTESTATION**

2
3 I, Claudia A. Quiroz, attest that concurrence in e-filing this **JOINT APPLICATION TO**
4 **EXTEND THE DEADLINE FOR SCHEDULING AND PARTICIPATING IN A**
5 **FURTHER SETTLEMENT CONFERENCE AND TO CONTINUE THE CASE**
6 **MANAGEMENT CONFERENCE; [PROPOSED] ORDER** has been obtained from signatory
7 Robert R. Cross, in compliance with General Order 45, X.B.

8
9 K&L GATES LLP

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11 Dated: August 5, 2011 By: /s/ Claudia A. Quiroz
12 Claudia A. Quiroz


13 **~~[PROPOSED]~~ ORDER**

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15 FOR GOOD CAUSE SHOWN, IT IS HEREBY ORDERED that the deadline for
16 scheduling and participating in a further settlement conference with Magistrate Judge Zimmerman
17 shall be extended to November 18, 2011.

18 IT IS FURTHER ORDERED that the Case Management Conference currently scheduled
19 for October 13, 2011 be continued to December 15, 2011.

20 IT IS SO ORDERED.

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23 Dated: 8/5, 2011

24 
25 Honorable Richard Seeborg
26 United States District Judge