

1 COOLEY GODWARD KRONISH LLP
 2 MICHAEL G. RHODES (116127) (mrhodes@cooley.com)
 3 BEATRIZ MEJIA (190948) (mejiab@cooley.com)
 4 GAVIN L. CHARLSTON (253899) (gcharlston@cooley.com)
 5 101 California Street, 5th Floor
 San Francisco, CA 94111-5800
 Telephone: (415) 693-2000
 Facsimile: (415) 693-2222

6 Attorneys for Defendant
 7 ADZILLA, INC.
 (erroneously named herein as “ADZILLA, INC. [NEW MEDIA]”)

8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA

10 SUSAN SIMON, an individual on behalf of
 11 herself and all other similarly situated,

12 Plaintiff,

13 v.

14 ADZILLA, INC. [NEW MEDIA], a Delaware
 Corporation; CONDUCTIVE
 15 CORPORATION, a Delaware Corporation;
 CONTINENTAL VISINET BROADBAND,
 16 INC., a Delaware Corporation; CORE
 COMMUNICATIONS, INC., d/b/a
 17 CORETEL COMMUNICATIONS, INC., a
 Delaware Corporation; and JOHN DOES 1-
 18 50, Corporations Defendants,

19 Defendant.

Case No. 3:09-CV-00879 MMC

**STIPULATION AND [PROPOSED]
 ORDER TO CONTINUE SECOND
 CASE MANAGEMENT
 CONFERENCE ; ORDER THEREON**

Date: January 29, 2010
 Time: 10:30 a.m.
 Judge: Hon. Maxine M. Chesney

1 Pursuant to Local Rule 6-2, Plaintiff Susan Simon (“Simon”) and Defendant Adzilla, Inc.
2 (“Adzilla”) hereby stipulate and agree as follows:

3 1. An initial Case Management Conference (“CMC”) was held in the above-
4 captioned action on October 9, 2009. At that hearing the Court ordered a second CMC for
5 January 29, 2010 at 10:30 a.m., and also ordered that the parties complete private mediation by
6 January 29, 2010.

7 2. Simon and Adzilla stipulate and request that the second CMC and mediation
8 deadline be continued four weeks, to February 26, 2010, for the following reasons.

9 3. The parties have been engaged in settlement discussions, but those discussions
10 have slowed because one of Adzilla’s primary employees is currently undergoing treatment for a
11 serious medical condition. That individual is the only available resource for analyzing Simon’s
12 technical claims, and his input is necessary to prepare for mediation and determine whether
13 settlement at mediation or otherwise will be feasible.

14 4. Continuation of the second CMC for an additional four week period will enable
15 the parties to advance their settlement discussions and participate in mediation, if necessary.

16 5. In the event the parties are unable to resolve the case through mediation or
17 otherwise within the next four weeks, they will be prepared to attend the second CMC on or after
18 February 26, 2010.

19 Dated: January 22, 2010

COOLEY GODWARD KRONISH LLP
MICHAEL G. RHODES
BEATRIZ MEJIA
GAVIN L. CHARLSTON

22 /s/ Gavin L. Charlston
23 Gavin L. Charlston
24 Attorneys for Defendant
ADZILLA, INC.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

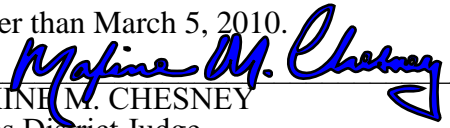
Dated: January 22, 2010

KAMBERLAW LLC
SCOTT KAMBER
DAVID A. STAMPLEY

/s/ Scott Kamber
Scott Kamber
Attorneys for Plaintiff
SUSAN SIMON

PURSUANT TO STIPULATION, IT IS SO ORDERED: That the second Case Management Conference and private mediation deadline, both currently scheduled for January 29, 2010, are hereby continued. ~~to~~ Specifically, the deadline to complete private mediation is continued to February 26, 2010, and the Case Management Conference is continued to March 12, 2010. A Joint Case Management Statement shall be filed no later than March 5, 2010.

DATED: January 25, 2010


HON. MAXINE M. CHESNEY
United States District Judge