

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: March 12, 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. On January 25, 2010, the Court continued the second CMC to March 12 in
8 response to a stipulation by counsel regarding mediation.

9 3. The parties participated in a day-long mediation session on February 22, 2010.
10 The parties were able to advance settlement discussions, and scheduled a follow up mediation
11 session for March 19, 2010. The mediator’s report is attached hereto as Exhibit A.

12 4. The parties accordingly request continuation of the March 12 CMC for an
13 additional 2-3 week period, to enable them to complete the mediation process and determine
14 whether settlement is feasible.

15 5. In the event the parties are unable to resolve the case through mediation, they will
16 be prepared to attend the rescheduled CMC in April.

17 Dated: March 3, 2010

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

18
19
20 /s/ Gavin L. Charlston
21 Gavin L. Charlston
22 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: March 3, 2010

KAMBERLAW LLC
SCOTT A. KAMBER
DAVID A. STAMPLEY

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

PURSUANT TO STIPULATION, IT IS SO ORDERED: That the second Case Management Conference, currently scheduled for March 12, 2010, is hereby continued to April 9, 2010, and the parties' joint Case Management Conference Statement is due April 2, 2010.

DATED: April 4, 2010



HON. MAXINE M. CHESNEY
United States District Judge

FILED

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FEB 25 2010

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT,
NORTHERN DISTRICT OF CALIFORNIA

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

Plaintiff,

v.

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

Defendant.

Case No. 3:09-CV-00879 MMC

MEDIATOR'S REPORT TO COURT

Please be advised that the above styled case was mediated on February 22, 2010.

While the case did not resolve, sufficient progress was made such that the parties and their counsel have agreed to reconvene the mediation on March 19, 2010.

Please consider this an interim report, and I will file a final report upon conclusion of our process.

Respectfully submitted,



Rodney A. Max

UPCHURCH WATSON WHITE & MAX
125 South Palmetto Avenue
Daytona Beach, FL 32114
800-264-2622