1 2 3 4 5 6 7 8	TOWNSEND AND TOWNSEND AND CR PAUL W. VAPNEK (State Bar No. 36576) MARC M. GORELNIK (State Bar No. 1668 DAVID SCHNAPF (State Bar No. 100199) MEGAN M. CHUNG (State Bar No. 232044 Two Embarcadero Center, Eighth Floor San Francisco, CA 94111 Telephone: (415) 576-0200 Facsimile: (415) 576-0300 Email: <a href="mailto:pwvapnek@townsend.com">pwvapnek@townsend.com</a> Email: <a href="mailto:mmgorelnik@townsend.com">mmgorelnik@townsend.com</a> Email: <a href="mailto:mmchung@townsend.com">mmchung@townsend.com</a> Email: <a href="mailto:mmchung@townsend.com">mmchung@townsend.com</a> Attorneys for Plaintiff and Counterdefendant Z-LINE DESIGNS, INC.	33)
10 11 12 13 14 15	JONES DAY ARTHUR S. BEEMAN (State Bar No. 237996) PAMELA K. FULMER (State Bar No. 154736) NOEL RODRIGUEZ (State Bar No. 228784) M. ANDERSON BERRY (State Bar No. 262879) 555 California Street, 26th Floor San Francisco, CA 94104 Telephone: (415) 626-3939 Facsimile: (415) 875-5700 Email: asbeeman@jonesday.com Email: pkfulmer@jonesday.com Email: nrodrigez@jonesday.com Email: abover@jonesday.com	
17	Attorneys for Defendant and Counterclaimant PLANET 3, LLC	
18	UNITED STATES DISTRICT COURT	
19	FOR THE NORTHERN DISTRICT OF CALIFORNIA	
20	SAN FRANCISCO DIVISION	
21		
22	Z-LINE DESIGNS, INC.,	Case No. CV-09-1153 MHP
23	Plaintiff,	SECOND JOINT STIPULATION
24	V.	AND [PROPOSED] ORDER FOR MODIFICATION OF CASE
25	PLANET 3, LLC,	MANAGEMENT SCHEDULE AND TRIAL DATE
26	Defendant.	Judge: Honorable Marilyn Hall Patel
27	AND RELATED COUNTERCLAIMS.	
28		•
	SECOND JOINT STIPULATION AND [PROPOSED] ORDER FOR CASE MANAGEMENT SCHEDULE AND TRIAL DATE CASE NO. CV-09-1153 MHP	OR MODIFICATION OF

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WHEREAS, Z-Line Designs, Inc. ("Z-Line" or "Plaintiff") and Defendant Planet 3, LLC ("Planet 3" or "Defendant") are engaged in settlement discussions, which respective counsel believe will lead to a final resolution of this matter;

WHEREAS, the parties have reached a settlement-in-principle and are working to memorialize the terms of the settlement, with a written draft in circulation;

WHEREAS, the parties, mindful of this Court's interest in having this case resolved, and confident of the parties' ability to resolve this matter, are diligently working to reach a settlement. However, given the approaching close of fact discovery, the parties require additional time;

WHEREAS, counsel for the parties believe that an additional thirty (30) day suspension of applicable deadlines in this case will allow the parties and counsel to continue to devote their attention and resources to a final resolution of this matter.

WHEREAS, one previous suspension has been sought by the parties;

ACCORDINGLY, the parties, by and through their undersigned counsel, HEREBY STIPULATE as follows:

In order to avoid prejudicing the parties' discovery efforts and trial preparations, and to allow the parties to focus on settlement negotiations, the parties agree and respectfully request that the current pre-trial schedule be modified as follows:

- 1. The fact discovery cut-off, which is currently set for March 8, 2010, is extended to April 7, 2010.
- 2. The deadline to designate experts, which is currently set for April 5, 2010, is extended to May 5, 2010.
- 3. The deadline to designate rebuttal experts, which is currently set for May 10, 2010, is extended to June 9, 2010.
- 4. The expert discovery cut-off, which is currently set for June 7, 2010, is extended to July 7, 2010.
- 5. The hearing on dispositive motions, which is currently set for July 26, 2010, is reset for August 30, 2010, at 2:00 p.m., or as soon thereafter as the Court's schedule permits.
  - 6. The pretrial conference, which is currently set for September 2, 2010, is adjourned to

October 7, 2010, at 2:30 p.m., or as soon thereafter as the Court's schedule permits.

- 7. The trial date, which is current set for September 21, 2010, is adjourned to October 26, 2010, at 8:30 a.m., or as soon thereafter as the Court's schedule permits.
  - 8. All other deadlines are tolled for thirty (30) days as of the date of this stipulation.

## IT IS SO STIPULATED BY THE PARTIES.

Dated: February 9, 2010 TOWNSEND AND TOWNSEND AND CREW LLP

> By Marc M. Gorelnik Attorneys for Plaintiff Z-LINE DESIGNS, INC.

Dated: February 9, 2010 JONES DAY

> Arthur S. Beeman Attorneys for Defendant PLANET 3, LLC

## SIGNATURE ATTESTATION

Pursuant to General Order No. 45(X)(B), I hereby attest that I have obtained the concurrence in the filing of this document from counsel for Defendant for whom a signature is indicated by a "conformed" signature (/s/) within this e-filed document, and I have on file records to support this concurrence for subsequent production for the court, if so ordered, or for inspection upon request.

> MARI Unite

Dated: February 9, 2010 Marc M. Gorelnik

Attorney for Plaintiff

PURSUANT TO STIPULATION, IT IS SO ORDERED

Dated: 8/10/2010

62446656 v1

SECOND JOINT STIPULATION AND [PROPOSED] ORDER FOR MODIFICATION CASE MANAGEMENT SCHEDULE AND TRIAL DATE

IT IS SO ORDERED Judge Marilyn H. Patel DISTRIC

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CASE NO. CV-09-1153 MHP