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7 Attorneys for Plaintiff CONTEST PROMOTIONS, LLC

8  
 9 UNITED STATES DISTRICT COURT  
 10 NORTHERN DISTRICT OF CALIFORNIA  
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12 CONTEST PROMOTIONS, LLC, a  
 13 California limited liability company,

14 Plaintiff,

15 v.

16 CITY OF SAN FRANCISCO, a  
 municipal corporation; COUNTY OF  
 17 SAN FRANCISCO, a subdivision of the  
 State of California; CITY AND  
 18 COUNTY OF SAN FRANCISCO, a  
 chartered California city and county; and  
 19 DOES 1 through 10, inclusive,

20 Defendants.  
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CASE NO. CV 09-4434 SI

**SECOND STIPULATION FOR STAY  
 OF LITIGATION PENDING  
 SETTLEMENT DISCUSSIONS AND  
 FOR CONTINUANCE OF PRETRIAL  
 AND TRIAL DATES; ~~PROPOSED~~  
 ORDER**

JMBM  
 Jeffer Mangels  
 Butler & Mitchell LLP

**STIPULATION**

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1. Pursuant to Fed. R. Civ. Proc. 16 and the Local Rules of this Court, plaintiff Contest Promotions, LLC ("Contest Promotions") and defendant City and County of San Francisco (the "City") (collectively, the "parties"), through their respective counsel of record, respectfully submit the following stipulation effectuating the parties' agreement to a further 30-day stay of litigation and requesting an extension of the pre-trial and trial dates pending the parties' settlement discussions.

2. The purpose of this stipulation is to effectuate an agreement reached between the parties for an additional 30-day temporary stay of the litigation to allow the parties to continue their ongoing settlement discussions. The parties previously agreed to a two-week stay of the litigation to explore settlement opportunities. On February 28, 2011, to effectuate that agreement, the parties filed a stipulation continuing the pre-trial and trial dates. (Dkt # 81). The Court approved the stipulation on March 1, 2011 and continued the pre-trial and trial dates, as set forth below. (Dkt # 82).

3. Since the parties' previous stay agreement, the parties have made significant efforts to settle this litigation, including attending two in-person meetings in San Francisco (Contest Promotions' principals and its counsel are located in Los Angeles), and exchanging pertinent information. As a result of such efforts, the parties have made progress in their settlement discussions.

4. The parties now intend to continue their settlement efforts, which will likely include at least one more in-person meeting and a further exchange of information. To facilitate those communications, the parties have agreed to an additional 30-day stay of the litigation, until April 11, 2011. An additional 30-day stay is necessary because of the complexity of the settlement process. A potential settlement would likely affect all aspects of Contest Promotions' business model. In addition, the settlement process necessitates the involvement of multiple decision-makers on the part of the City. The parties also need time to document any

1 settlement agreement.

2 5. The parties prefer to spend their efforts during the next 30 days  
3 on resolving this case, if possible, instead of litigating it. The parties believe that  
4 there is a reasonable chance the such efforts will result in settlement.

5 6. To effectuate the parties' agreement to stay all litigation  
6 activities for 30 days, the parties respectfully request that all case management dates  
7 be continued by approximately 30 days, as follows:

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**CURRENT DATES:**

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Non-Expert Discovery Cut-Off: April 8, 2011

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Designation of Experts: April 22, 2011

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Designation of Rebuttal Experts: May 6, 2011

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Expert Discovery Cut-Off: May 13, 2011

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Dispositive Motions, Filed: June 10, 2011

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Dispositive Motions, Oppositions: June 24, 2011

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Dispositive Motions, Reply: July 1, 2011

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Dispositive Motion Hearing Deadline: July 15, 2011 at 9:00 a.m.

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Pretrial Conference: August 23, 2011 at 3:30 p.m.

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Jury Trial: August 29, 2011 at 8:30 a.m.

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**PROPOSED NEW DATES:**

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Non-Expert Discovery Cut-Off: May 9, 2011

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Designation of Experts: May 23, 2011

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Designation of Rebuttal Experts: June 6, 2011

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Expert Discovery Cut-Off: June 13, 2011

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Dispositive Motions, Filed: July 11, 2011

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Dispositive Motions, Oppositions: July 25, 2011

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Dispositive Motions, Replies: August 1, 2011

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Dispositive Motion Hearing Deadline: August 15, 2011 at 9:00 a.m.  
Pretrial Conference: September 20, 2011 at 3:30 p.m.  
Jury Trial: October 11, 2011 at 8:30 a.m.

7. There is good cause to continue the pretrial and trial dates because it will allow the parties to focus their efforts on settlement and, at the same time, avoid potentially unnecessary litigation costs.

IT IS SO STIPULATED.

DATED: March 18, 2011

JEFFER MANGELS BUTLER & MITCHELL  
LLP  
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MATTHEW D. HINKS  
AMY LERNER HILL

By: /s/ Matthew D. Hinks  
MATTHEW D. HINKS  
Attorneys for Plaintiff CONTEST  
PROMOTIONS, LLC

DATED: March 18, 2011

DENNIS J. HERRERA  
KRISTEN A. JENS  
THOMAS S. LAKRITZ  
VICTORIA WONG

By: /s/ Thomas S. Lakritz  
THOMAS S. LAKRITZ  
Attorneys for Defendant CITY AND COUNTY  
OF SAN FRANCISCO

1 **[PROPOSED] CASE MANAGEMENT ORDER**

2 The parties' Second Stipulation For Stay of Litigation Pending Settlement  
3 Discussions and For Continuance of Pretrial and Trial Dates is hereby adopted by the  
4 Court as the Case Management Order for the case and the parties are ordered to  
5 comply with this Order.

6  
7 IT IS SO ORDERED:

8 3/21/11

9 Dated: \_\_\_\_\_

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11 By:  \_\_\_\_\_  
12 HONORABLE SUSAN ILLSTON  
13 United States District Court Judge  
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