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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

CONTEST PROMOTIONS, LLC, a
 California limited liability company,

Plaintiff,

v.

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

Defendants.

CASE NO. CV 09-4434 SI

**THIRD STIPULATION FOR STAY
 OF LITIGATION PENDING
 SETTLEMENT DISCUSSIONS AND
 FOR CONTINUANCE OF PRETRIAL
 AND TRIAL DATES; [PROPOSED]
 ORDER**

STIPULATION

1
2 1. Pursuant to Fed. R. Civ. Proc. 16 and the Local Rules of this
3 Court, plaintiff Contest Promotions, LLC ("Contest Promotions") and defendant City
4 and County of San Francisco (the "City") (collectively, the "parties"), through their
5 respective counsel of record, respectfully submit the following stipulation
6 effectuating the parties' agreement to a further 60-day stay of litigation and requesting
7 an extension of the pre-trial and trial dates pending the parties' settlement discussions.

8 2. The purpose of this stipulation is to effectuate an agreement
9 reached between the parties for an additional 60-day temporary stay of the litigation
10 to allow the parties to continue their ongoing settlement discussions. The parties
11 previously agreed a stay of the litigation to explore settlement opportunities. On
12 February 28, 2011, to effectuate that agreement, the parties filed a stipulation
13 continuing the pre-trial and trial dates. (Dkt # 81). The Court approved the
14 stipulation on March 1, 2011 and continued the pre-trial and trial dates. (Dkt # 82).
15 On March 18, 2011, the parties entered a second stipulation to continue the pre-trial
16 and trial dates approximately 30 additional days. (Dkt # 84). The Court approved the
17 stipulation on March 21, 2011 and continued the pre-trial and trial dates as set forth
18 below. (Dkt # 85).

19 3. Since the parties' stay agreement, the parties have made
20 significant efforts to settle this litigation, including attending in-person meetings in
21 San Francisco (Contest Promotions' principals and its counsel are located in Los
22 Angeles), and exchanging pertinent information. As a result of such efforts, the
23 parties have made progress in their settlement discussions. The parties remain
24 committed to making efforts to settle the case.

25 4. The parties intend to continue their settlement efforts, which
26 will likely include at least one more in-person meeting and a further exchange of
27 information. To facilitate those communications, the parties have agreed to an
28 additional 60-day stay of the litigation, until June 3, 2011 (previously, the parties had

1 agree to stay the proceedings until April 4, 2011). An additional 60-day stay is
2 necessary because of the complexity of the settlement process. A potential settlement
3 would likely affect all aspects of Contest Promotions' business model. In addition,
4 the settlement process necessitates the involvement of multiple decision-makers on
5 the part of the City. The parties also need time to document any settlement
6 agreement.

7 5. The parties prefer to spend their efforts during the next 60 days
8 on resolving this case, if possible, instead of litigating it. The parties believe that
9 there is a reasonable chance the such efforts will result in settlement.

10 6. To effectuate the parties' agreement to stay all litigation
11 activities for 60 days, the parties respectfully request that all case management dates
12 be continued by approximately 60 days, as follows:

13 **CURRENT DATES:**

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

15 Designation of Experts: May 23, 2011

16 Designation of Rebuttal Experts: June 6, 2011

17 Expert Discovery Cut-Off: June 13, 2011

18 Dispositive Motions, Filed: July 11, 2011

19 Dispositive Motions, Oppositions: July 25, 2011

20 Dispositive Motions, Replies: August 1, 2011

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

22 Pretrial Conference: September 20, 2011 at 3:30 p.m.

23 Jury Trial: October 11, 2011 at 8:30 a.m

24 **PROPOSED NEW DATES:**

25 Non-Expert Discovery Cut-Off: July 8, 2011

26 Designation of Experts: July 22, 2011

27 Designation of Rebuttal Experts: August 5, 2011

28 Expert Discovery Cut-Off: August 12, 2011

Dispositive Motions, Filed: September 12, 2011

Dispositive Motions, Oppositions: September 26, 2011

Dispositive Motions, Replies: October 3, 2011

Dispositive Motion Hearing Deadline: October 14¹⁴, 2011 at 9:00 a.m.

Pretrial Conference: November 22²², 2011 at 3:30 p.m.

Jury Trial: December 12, 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: May 6, 2011

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MATTHEW D. HINKS
AMY LERNER HILL

By: /s/ Matthew D. Hinks
MATTHEW D. HINKS
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DATED: May 6, 2011

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[PROPOSED] CASE MANAGEMENT ORDER

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

IT IS SO ORDERED:

Dated: 5/11/11



By: HONORABLE SUSAN ILLSTON
United States District Court Judge

ATTESTATION CLAUSE

I, Matthew Hinks, hereby attest in accordance with General Order No. 45.X that Thomas S. Lakrtiz, Counsel for Defendant City and County of San Francisco, has provided his concurrence with the electronic filing of the foregoing document entitled THIRD STIPULATION FOR STAY OF LITIGATION PENDING SETTLEMENT DISCUSSIONS AND FOR CONTINUANCE OF PRETRIAL AND TRIAL DATES; [PROPOSED] ORDER.

DATED: May 6, 2011

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