- 3. Defendant's principal is Marshall Fisco, Executive Vice President, General Counsel and Corporate Secretary. Mr. Fisco resides in Plano, Texas.
- 4. In order to avoid having to incur substantial costs in traveling to San Francisco, California to attend the Continued Case Management Conference in person, the parties respectfully request that this Honorable Court permit Mr. Fisco to appear telephonically at the Continued Case Management Conference. The Court can reach Mr. Fisco at (469) 326-2506.
- 5. DCI's lead counsel, Martin Love, will appear personally at the Case Management conference.
- 6. Baker's counsel, Himanshu M. Patel, intends to represent the interests of Baker's at the Continued Case Management Conference. Mr. Patel resides in Miami, Florida.
- 7. In order to avoid having to incur substantial attorneys' fees and costs in traveling to San Francisco, California to attend the Continued Case Management Conference in person, the parties respectfully request that this Honorable Court permit Mr. Patel to appear telephonically at the Continued Case Management Conference. The Court can reach Mr. Patel at the law firm of Zarco Einhorn Salkowski & Brito, P.A. Mr. Patel's contact number is (407) 341-4008.
- 4. Based on the foregoing, the Parties respectfully request that the Court permit Messrs. Fisco and Patel to appear telephonically at the Continued Case Management Conference on December 17, 2010 at 8:30 a.m.

WHEREFORE, Plaintiff, BAKER's BOUQUET, INC., and Defendant, DESIGNED COOKIES, INC., respectfully request that this Honorable Court enter an Order: (i) granting the instant Stipulation and permitting Defendant's principal, Marshall Fisco, and Plaintiff's Lead Counsel, Himanshu Patel, to appear telephonically at the Continued Case Management Conference; and (ii) granting such other and further relief as this Honorable Court deems just and proper.

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1		Respectfully submitted,
$\begin{bmatrix} 2 \\ 3 \end{bmatrix}$	Dated: December 7, 2010	ZARCO EINHORN SALKOWSKI & BRITO, P.A.
4		By:/s/ Himanshu M. Patel HIMANSHU M. PATEL
5		Attorneys for Plaintiff
6	Dated: December 7, 2010	LOVE & ASSOCIATES
7		Day // Markin T. Larra
8 9		By:/s/ Martin T. Love MARTIN T. LOVE Attorneys for Defendant
10		A TOPE OT A TION OF A LIGHT
11		ATTESTATION CLAUSE
12	I attest under penalty of perjury that the concurrence in the filing of this document has been	
13	obtained from its signatories.	
14		By:/s/ Martin T. Love
15		MARTIN T. LOVE
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28	Case No. CV 09-5336 CRB	-3- Stipulation and [Proposed] Order for Telephonic Appearance at Continued Case Management Conference

DECLARATION OF MARTIN T. LOVE

I, Martin T. Love, declare as follows:

- 1. I am an attorney at law duly admitted to practice before this Court and am an attorney at the law firm of Love and Associates, attorneys of record for Plaintiffs in this action. I make this declaration in support of the instant Stipulation and [Proposed] Order for Defendant's Principal and Plaintiff's Counsel to Appear Telephonically at Continued Case Management Conference. Except when stated upon information and belief, I have personal knowledge of the matters set forth herein and could competently testify to them if called upon to do so.
- 2. I am lead counsel for Defendant Designed Cookies, Inc. and will be present at the Continued Case Management Conference.
- 3. I am informed and believe that Defendant's Principal, Marshall Fisco, Executive Vice President, General Counsel and Corporate Secretary resides in Plano, Texas. Defendant would incur substantial costs if required to travel to San Francisco, California to attend the Continued Case Management Conference in person. The Court can reach Mr. Fisco at (469) 326-2506.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 7th day of December 2010 in San Francisco, California.

By: /s/ Martin T. Love MARTIN T. LOVE

DECLARATION OF HIMANSHU M. PATEL

I, Himanshu Patel, declare as follows:

1. I am an attorney at law duly admitted to practice before this Court and am a Partner at the law firm of Zarco Einhorn Salkowski & Brito, P.A., attorneys of record for Plaintiffs in this action. I make this declaration in support of the instant Stipulation and [Proposed] Order for Defendant's Principal and Plaintiff's Counsel to Appear Telephonically at Continued Case

Case No. CV 09-5336 CRB

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Management Conference. I have personal knowledge of the matters set forth herein and could competently testify to them if called upon to do so.

- 2. Mr. Zarco and I are lead counsel for Plaintiff, Baker's Bouquet, Inc., in this litigation. We are located in Miami, Florida. Our client would incur substantial attorneys' fees and costs for us to travel to San Francisco, California to attend the Continued Case Management Conference in person.
- 3. I intend to represent the interests of Baker's at the Continued Case Management Conference. The Court can reach me on my cell phone at (407) 341-4008.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 7th day of December 2010 in Miami, Miami-Dade County, Florida.

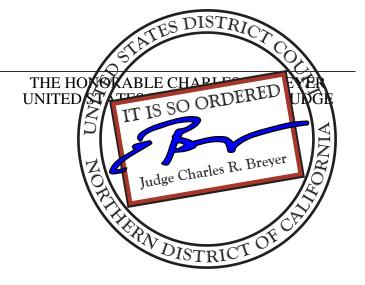
By: /s/ Himanshu M. Patel
HIMANSHU M. PATEL

ORDER

Pursuant to the parties' stipulation and Local Rule 7-11 and good cause appearing, it is hereby ordered that Defendant's Principal, Marshall Fisco, and Plaintiff's counsel, Himanshu Patel, may appear telephonically at the Continued Case Management Conference on September 17, 2010 at 8:30 a.m. The Court will contact Plaintiff's counsel at (407) 341-4008.

IT IS SO ORDERED.

Dated: December __7_, 2010



Case No. CV 09-5336 CRB