

MARTIN T. LOVE (CA SBN 112562)
KRISTEN L. WILLIAMS (CA SBN 232644)
LOVE & ASSOCIATES
Union Square Building
291 Geary Street, Suite 405
San Francisco, California 94102
Telephone: (415) 398-3800
Email: mtl@loveandassociates.com

Attorneys for Defendant/Counter-Claimant
DESIGNED COOKIES, INC., a Texas Corporation

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

DEBORAH NORK, LEE ROBERTS and
BAKER'S BOUQUET,

Plaintiffs,

vs.

DESIGNED COOKIES, INC.,

Defendants.

No. CV 09-5336 CRB

STIPULATION AND ~~PROPOSED~~
ORDER FOR DEFENDANT'S
PRINCIPAL MARSHALL FISCO AND
PLAINTIFF'S COUNSEL TO APPEAR
TELEPHONICALLY AT CONTINUED
CASE MANAGEMENT CONFERENCE

Initial Case Management Conference Date:
December 17, 2010 at 8:30 a.m. in
Courtroom 8

The Honorable Charles R. Breyer

Pursuant to Civil Local Rule 7-11 of the United States District Court for the Northern District of California, Plaintiff, Baker's Bouquet ("Baker's") and Defendant Designed Cookies, Inc. ("DCI"), by and through their respective counsel, hereby stipulate and agree to the following:

1. The Initial Case Management Conference in this matter was held on Friday, November 19, 2010 at 8:30 a.m.

2. At the conclusion of the Initial Case Management Conference, the Honorable Charles R. Breyer ordered the principals of both Plaintiff and Defendant to be present at the Continued Case Management Conference set for December 17, 2010 at 8:30 a.m.

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Stipulation and [Proposed] Order for Telephonic
Appearance at Continued Case Management Conference

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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Respectfully submitted,

Dated: December 7, 2010

ZARCO EINHORN SALKOWSKI & BRITO, P.A.

By: /s/ Himanshu M. Patel
HIMANSHU M. PATEL
Attorneys for Plaintiff

Dated: December 7, 2010

LOVE & ASSOCIATES

By: /s/ Martin T. Love
MARTIN T. LOVE
Attorneys for Defendant

ATTESTATION CLAUSE

I attest under penalty of perjury that the concurrence in the filing of this document has been obtained from its signatories.

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

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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.

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, Himanshu Patel, declare as follows:

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

3 2. Mr. Zarco and I are lead counsel for Plaintiff, Baker's Bouquet, Inc., in this
4 litigation. We are located in Miami, Florida. Our client would incur substantial attorneys' fees
5 and costs for us to travel to San Francisco, California to attend the Continued Case Management
6 Conference in person.

7 3. I intend to represent the interests of Baker's at the Continued Case Management
8 Conference. The Court can reach me on my cell phone at (407) 341-4008.

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

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

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12 By: /s/ Himanshu M. Patel
13 HIMANSHU M. PATEL
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~~PROPOSED~~ 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

THE HONORABLE CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE

