

1 JOEL D. SIEGEL (SBN 171919)
 2 SONNENSCHN NATH & ROSENTHAL LLP
 3 601 South Figueroa Street, Suite 1500
 4 Los Angeles, California 90017-5704
 Telephone: (213) 623-9300
 Facsimile: (213) 623-9924
 jsiegel@sonnenschein.com

5 KAREN C. MARCHIANO (SBN 233493)
 6 SONNENSCHN NATH & ROSENTHAL LLP
 7 525 Market Street, 26th Floor
 8 San Francisco, CA 94105-2708
 Telephone: (415) 882-5000
 Facsimile: (415) 882-0300
 kmarchiano@sonnenschein.com

9 Attorneys for Defendant
 10 DESIGNED COOKIES, INC.

11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA
 13 SAN FRANCISCO DIVISION

SONNENSCHN NATH & ROSENTHAL LLP
 525 MARKET STREET, 26TH FLOOR
 SAN FRANCISCO, CALIFORNIA 94105-2708
 (415) 882-5000

14 DEBORAH NORK, LEE ROBERTS and
 15 BAKER'S BOUQUET,

16 Plaintiffs,

17 vs.

18 DESIGNED COOKIES, INC.,

19 Defendants.

No. CV 09-5336 CRB

STIPULATION AND ~~PROPOSED~~
 ORDER CONTINUING INITIAL CASE
 MANAGEMENT CONFERENCE AND
 ADR DEADLINES

Current Initial Case Management
 Conference Date: March 12, 2010
 Time: 8:30 a.m.
 Courtroom No. 8

Proposed New Initial Case Management
 Conference Date: April 23, 2010
 Time: 8:30 a.m.
 Courtroom No. 8

Honorable Charles R. Breyer

Pursuant to Civil Local Rules 6-1(b) and 6-2 of the United States District Court for the Northern District of California, Plaintiffs Deborah Nork, Lee Roberts, and Baker’s Bouquet (“Plaintiffs”) and Defendant Designed Cookies, Inc. (“DCI”), by and through their respective counsel, hereby stipulate and agree to the following:

On November 10, 2009, this Court issued an Order Setting Initial Case Management Conference And ADR Deadlines [Docket No. 3], which set deadlines to “meet and confer re: initial disclosures, early settlement, ADR process selection, and discovery plan”; “file ADR Certification signed by Parties and Counsel”; “file either Stipulation to ADR Process or Notice of Need for ADR Phone Conference”; and “to file Rule 26(f) Report, complete initial disclosures or state objection in Rule 26(f) Report and file Case Management Statement”. By Clerk’s Notice dated December 16, 2009 [Docket No. 18], this Court scheduled the Initial Case Management Conference for March 12, 2010 at 8:30 a.m.

The parties are currently engaged in settlement discussions. The parties agree that in the interests of judicial economy, to preserve the parties’ resources, and to facilitate settlement discussions, the deadlines from the Order Setting Initial Case Management Conference And ADR Deadlines [Docket No. 3] and the Clerk’s Notice dated December 16, 2009 [Docket No. 18] should be continued approximately 45 days so that the deadlines in the following chart apply. This is the first stipulation to modify the schedule set by the Order Setting Initial Case Management Conference And ADR Deadlines [Docket No. 3] or the Clerk’s Notice dated December 16, 2009 [Docket No. 18].

	<u>Deadline</u>
Last day to <ul style="list-style-type: none"> • meet and confer re: initial disclosures, early settlement, ADR process selection, and discovery plan; • file ADR Certification signed by Parties and Counsel; • file either Stipulation to ADR Process or 	April 1, 2010

1	Notice of Need for ADR Phone	
2	Conference	
3	Last day to file Rule 26(f) Report, complete	April 15, 2010
4	initial disclosures or state objection in Rule	
5	26(f) Report and file Case Management	
6	Statement	
7	Initial Case Management Conference	April 23, 2010 at 8:30 a.m. in Courtroom 8

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9 Dated: February 11, 2010

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Respectfully submitted,
SONNENSCHN NATH & ROSENTHAL LLP
KAREN C. MARCHIANO, ESQ.

By: _____ /S/ Karen C. Marchiano
Karen C. Marchiano

Attorneys for Defendants
DESIGNED COOKIES, INC.

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16 Dated: February 11, 2010

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ZARCO EINHORN SALKOWSKI & BRITO, P.A.
ROBERT ZARCO, ESQ.

By: _____ /S/ Robert Zarco

Attorneys for Plaintiffs
DEBORAH NORK, LEE ROBERTS AND BAKER'S
BOUQUET

ATTESTATION CLAUSE

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24 I attest under penalty of perjury that the concurrence in the filing of this document has been

25 obtained from its signatories.

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27 By: _____ /S/ Karen C. Marchiano

28 KAREN C. MARCHIANO

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DECLARATION OF KAREN C. MARCHIANO

I, Karen C. Marchiano, declare as follows:

1. I am an attorney at law duly admitted to practice before this Court and am an associate of the law firm of Sonnenschein Nath & Rosenthal LLP, counsel of record for Defendant Designed Cookies, Inc. (“DCI”). I make this declaration in support of the attached Stipulation and [Proposed] Order Continuing Initial Case Management Conference And ADR Deadlines. I have personal knowledge of the matters set forth herein and could competently testify to them if called upon to do so.

2. On November 10, 2009, this Court issued an Order Setting Initial Case Management Conference And ADR Deadlines [Docket No. 3]. The November 10, 2009 order set a deadline of February 15, 2010 to “meet and confer re: initial disclosures, early settlement, ADR process selection, and discovery plan”; “file ADR Certification signed by Parties and Counsel”; and “file either Stipulation to ADR Process or Notice of Need for ADR Phone Conference.” The November 10, 2009 order set a deadline of March 1, 2010 “to file Rule 26(f) Report, complete initial disclosures or state objection in Rule 26(f) Report and file Case Management Statement”.

3. By Clerk’s Notice dated December 16, 2009 [Docket No. 18], this Court scheduled the Initial Case Management Conference for March 12, 2010 at 8:30 a.m.

4. The parties are currently engaged in settlement discussions. The parties agree that in the interests of judicial economy, to preserve the parties’ resources, and to facilitate settlement discussions, the current deadlines should be continued approximately 45 days so that the following deadlines apply:

	<u>Deadline</u>
Last day to <ul style="list-style-type: none"> • meet and confer re: initial disclosures, early settlement, ADR process selection, and discovery plan • file ADR Certification signed by Parties 	April 1, 2010

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and Counsel	
• file either Stipulation to ADR Process or Notice of Need for ADR Phone Conference	
Last day to file Rule 26(f) Report, complete initial disclosures or state objection in Rule 26(f) Report and file Case Management Statement	April 15, 2010
Initial Case Management Conference	April 23, 2010 at 8:30 a.m. in Courtroom 8

5. This is the first stipulation to modify the schedule set by the Order Setting Initial Case Management Conference And ADR Deadlines [Docket No. 3] or the Clerk’s Notice dated December 16, 2009 [Docket No. 18]. This Court previously extended the hearing date on DCI’s Motion To Compel Arbitration, and the deadline for DCI to respond to the complaint.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 11th day of February, 2010 in San Francisco, California.

By: _____ /S/ Karen C. Marchiano
Karen C. Marchiano

SONNENSCHN NATH & ROSENTHAL LLP
 525 MARKET STREET, 26TH FLOOR
 SAN FRANCISCO, CALIFORNIA 94105-2708
 (415) 882-5000

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~~PROPOSED~~ ORDER

Pursuant to the parties' stipulation and Local Rule 6-1(b) and 6-2 and good cause appearing, it is hereby ordered that the deadlines set forth in the Order Setting Initial Case Management Conference And ADR Deadlines [Docket No. 3] and the December 16, 2009 Clerk's Notice [Docket No. 18] shall be continued so that the following deadlines apply:

	<u>Deadline</u>
Last day to <ul style="list-style-type: none"> meet and confer re: initial disclosures, early settlement, ADR process selection, and discovery plan file ADR Certification signed by Parties and Counsel file either Stipulation to ADR Process or Notice of Need for ADR Phone Conference 	April 1, 2010
Last day to file Rule 26(f) Report, complete initial disclosures or state objection in Rule 26(f) Report and file Case Management Statement	April 15, 2010
Initial Case Management Conference	April 23, 2010 at 8:30 a.m. in Courtroom 8

IT IS SO ORDERED.

Dated: Feb. 16, 2010

