

1 Barry M. Golden
Texas State Bar No. 24002149
2 Connor G. Sheehan
Texas Bar No. 24046827
3 csheehan@gardere.com
4 Gardere Wynne Sewell LLP
1601 Elm Street, Suite 3000
5 Dallas, TX 75201-4761
Telephone: 214-999-3000
6 Facsimile: 214-999-4667
Admitted Pro Hac Vice

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8 Attorneys for Defendant
DESIGNED COOKIES, INC.

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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION
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14 DEBORAH NORK, LEE ROBERTS and
15 BAKER'S BOUQUET,

16 Plaintiffs,

17 vs.

18 DESIGNED COOKIES, INC.,

19 Defendant.
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No. CV 09-5336 CRB

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

Current Initial Case Management
Conference Date: May 28,, 2010
at 8:30 a.m. in Courtroom 8

Proposed New Initial Case Management
Conference Date: July 5, 2010
at 8:30 a.m. in Courtroom 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" (collectively, the "Case Management Deadlines"). 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. This Court subsequently entered Orders continuing the Case Management Conference to April 23, 2010 and May 28, 2010 [see hearing docketing statement following D.E. 65], respectively.

The parties are currently engaged in settlement discussions, which may resolve the need for a Case Management Conference and related deadlines. Specifically, on March 31, 2010, Plaintiff Lee Roberts agreed to dismiss his claims, as reflected in this Court's April 5, 2010 Order of dismissal. D.E. No. 66. The Parties also anticipate filing an agreed dismissal of Plaintiff Deborah Nork's claims, as she recently consented to the dismissal of her claims against defendant as part of an overall resolution with Defendant.

In the interests of judicial economy, to preserve the parties' resources, and to promote settlement discussions between Baker's Bouquet and defendant, the Parties respectfully request that the Court continue the Case Management Deadlines and Case Management Conference as follows:

	<u>Deadline</u>
Last day to	June 7, 2010
• meet and confer re: initial disclosures,	

1	early settlement, ADR process selection,	
2	and discovery plan;	
3	• file ADR Certification signed by Parties	
4	and Counsel;	
5	• file either Stipulation to ADR Process or	
6	Notice of Need for ADR Phone	
7	Conference	
8	Last day to file Rule 26(f) Report, complete	June 28, 2010
9	initial disclosures or state objection in Rule	
10	26(f) Report and file Case Management	
11	Statement	
12	Initial Case Management Conference	July 5, 2010 at 8:30 a.m. in Courtroom 8

Dated: May 5, 2010

Respectfully submitted,

GARDERE WYNNE SEWELL LLP

By: /S/ Connor G. Sheehan
 CONNOR G. SHEEHAN
 Attorneys for Defendants
 DESIGNED COOKIES, INC.

Dated: May 5, 2010

ZARCO EINHORN SALKOWSKI & BRITO, P.A.

By: /S/ Himanshu Patel
 HIMANSHU PATEL
 Attorneys for Plaintiffs
 DEBORAH NORK, LEE ROBERTS AND BAKER'S
 BOUQUET

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/ Connor G. Sheehan
 CONNOR G. SHEEHAN

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request that the Court continue the Case Management Deadlines and Case Management Conference as follows:

	<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	June 7, 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	June 28, 2010
Initial Case Management Conference	July 5, 2010 at 8:30 a.m. in Courtroom 8

5. This is the third stipulation to modify the schedule set by 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]. The Parties request the extension not for delay but so that they may continue to attempt to resolve the case to the benefit and reduction of expense of all parties.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 5th day of May, 2010 in Dallas, Texas.

By: /S/ Connor G. Sheehan
CONNOR G. SHEEHAN

[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 Stipulation And Order Continuing Case Management Conference And ADR Deadlines 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	June 7, 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	June 28, 2010 June 25, 2010
Initial Case Management Conference	July 5, 2010 at 8:30 a.m. in Courtroom 8 July 2, 2010 at 8:30 a.m.

IT IS SO ORDERED.

Dated: May 10, 2010

