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10 Attorneys for Plaintiffs
 11 DEBORAH NORK and
 BAKER'S BOUQUET
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13 UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 14 SAN FRANCISCO DIVISION

15 DEBORAH NORK and BAKER'S
 16 BOUQUET,

17 Plaintiffs,

18 vs.

19 DESIGNED COOKIES, INC.,

20 Defendant.

No. CV 09-5336 CRB

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

Current Initial Case Management
 Conference Date: July 2, 2010
 at 8:30 a.m. in Courtroom 8

Proposed New Initial Case Management
 Conference Date: August 13, 2010
 at 8:30 a.m. in Courtroom 8

The Honorable Charles R. Breyer

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 22
 23 Pursuant to Civil Local Rules 6-1(b) and 6-2 of the United States District Court for the
 24 Northern District of California, Plaintiffs Deborah Nork and Baker's Bouquet ("Plaintiffs") and
 25 Defendant Designed Cookies, Inc. ("DCI"), by and through their respective counsel, hereby
 26 stipulate and agree to the following:
 27

1 On May 10, 2010, and pursuant to a Stipulation filed by the parties, the Court entered an
 2 Order Continuing Initial Case Management Conference and ADR Deadlines in the above-
 3 referenced matter. *See* D.E. #71. The Court continued the Case Management Conference from
 4 May 28, 2010 to July 2, 2010 at 8:30 a.m. In addition, the Court put the following deadlines in
 5 place:

	<u>Deadline</u>
7 Last day to: 8 • meet and confer re: initial disclosures, 9 early settlement, ADR process selection, 10 and discovery plan; 11 • file ADR Certification signed by Parties 12 and Counsel; 13 • file either Stipulation to ADR Process or 14 Notice of Need for ADR Phone 15 Conference	June 7, 2010
14 Last day to file Rule 26(f) Report, complete 15 initial disclosures or state objection in Rule 16 26(f) Report and file Case Management Statement	June 25, 2010
16 Initial Case Management Conference	July 2, 2010 at 8:30 a.m. in Courtroom 8

17 On June 7, 2010, and consistent with the Court's Order dated May 10, 2010, the parties'
 18 respective counsel engaged in a meet and confer re: initial disclosures, early settlement, ADR
 19 process selection and a discovery plan in this case. The parties also filed a Stipulation and
 20 proposed Order Selecting ADR Process. *See* D.E. #78.

21 As the parties' respective counsel previously advised the Court, Plaintiff Deborah Nork
 22 had been engaged in settlement discussions with DCI. Plaintiff Nork and DCI have now agreed
 23 to a resolution of their respective claims against each other. Simultaneous herewith, the parties
 24 have filed a dismissal of their respective claims against each other.

25 On June 11, 2010, DCI filed its Answer and Counterclaim in this matter. *See* D.E. #80.
 26 In its Answer, DCI indicated that it did not intend to renew Baker's Bouquet, Inc.'s franchise
 27 agreement at this time. *See* D.E. #80, p. 12. The parties' respective principals are currently in
 28

1 the process of discussing Baker's Bouquet's current status as a franchisee of DCI and possibly a
2 resolution of their grievances against each other. Thus, in the interests of judicial economy, to
3 preserve the parties' resources, and to facilitate settlement discussions between Baker's Bouquet
4 and DCI, the Parties respectfully request that the Court continue the deadline to file the Rule
5 26(f) Report, complete initial disclosures and file the Case Management Statement from June
6 25, 2010 to July 30, 2010. The remaining Parties also request that the Court continue the Initial
7 Case Management Conference from July 2, 2010 at 8:30 a.m. to August 13, 2010 at 8:30 a.m.

8 **WHEREFORE**, Plaintiffs, DEBORAH NORK and BAKER'S BOUQUET, INC., and
9 Defendant Designed Cookies, Inc. ("DCI"), respectfully request that this Honorable Court enter
10 an Order: (i) granting the instant Stipulation Continuing Case Management Conference; and (ii)
11 granting such other and further relief as this Honorable Court deems just and proper.

12 Respectfully submitted,

13 Dated: June 23, 2010

LOVE & ASSOCIATES

14 By: /s/ Kristen L. Williams
15 KRISTEN L. WILLIAMS
16 Attorneys for Defendant
DESIGNED COOKIES, INC.

17 Dated: June 23, 2010

ZARCO EINHORN SALKOWSKI & BRITO, P.A.

18 By: /s/ Himanshu M. Patel
19 HIMANSHU M. PATEL
20 Attorneys for Plaintiffs
DEBORAH NORK and BAKER'S BOUQUET

21
22 ATTESTATION CLAUSE

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

25
26 By: /s/ Himanshu M. Patel
27 HIMANSHU M. PATEL

DECLARATION OF HIMANSHU M. PATEL

I, Himanshu M. Patel, declare as follows:

1. I am an attorney at law duly admitted to practice before this Court and am a Partner with 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 Continuing Initial Case 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. On May 10, 2010, and pursuant to a Stipulation filed by the parties, the Court entered an Order Continuing Initial Case Management Conference and ADR Deadlines in the above-referenced matter. *See* D.E. #71. The Court continued the Case Management Conference from May 28, 2010 to July 2, 2010 at 8:30 a.m. In addition, the Court put the following deadlines in place:

	<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 25, 2010
Initial Case Management Conference	July 2, 2010 at 8:30 a.m. in Courtroom 8

3. On June 7, 2010, and consistent with the Court’s Order dated May 10, 2010, the parties’ respective counsel engaged in a meet and confer re: initial disclosures, early settlement, ADR process selection and a discovery plan in this case. The parties also filed a Stipulation and proposed Order Selecting ADR Process. *See* D.E. #78.

~~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 remaining 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 file Rule 26(f) Report, complete initial disclosures or state objection in Rule 26(f) Report and file Case Management Statement	July 30, 2010
Initial Case Management Conference	August 23 ²⁰ 2010 at 8:30 a.m. in Courtroom 8

IT IS SO ORDERED.

Dated: June 28, 2010

THE HONORABLE CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE

