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6 UNITED STATES DISTRICT COURT
 7 NORTHERN DISTRICT OF CALIFORNIA
 8 SAN FRANCISCO DIVISION

9 DEBORAH NORK, LEE ROBERTS and
 BAKER'S BOUQUET,

10 Plaintiffs,

11 vs.

12 DESIGNED COOKIES, INC.,

13 Defendants.

No. CV 09-5336 CRB

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

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

16 Proposed New Initial Case Management
 Conference Date: October 1, 2010
 at 8:30 a.m. in Courtroom 8

The Honorable Charles R. Breyer

17 Pursuant to Civil Local Rules 6-1(b) and 6-2 of the United States District Court for the
 18 Northern District of California, Plaintiff, Baker's Bouquet ("Baker's") and Defendant Designed
 19 Cookies, Inc. ("DCI"), by and through their respective counsel, hereby stipulate and agree to the
 20 following:

21 On June 29, 2010, and pursuant to a Stipulation filed by the parties, the Court entered an
 22 Order Continuing Initial Case Management Conference and ADR Deadlines in the above-
 23 referenced matter. *See* D.E. #86. While the parties had requested that the Case Management
 24 Conference be continued from July 2, 2010 at 8:30 a.m. to August 13, 2010 at 8:30 a.m., the
 25 Court, in fact, continued the Case Management Conference to August 20, 2010 at 8:30 a.m. *See*
 26 D.E. #86. The parties filed their Case Management Statement by on July 30, 2010. *See* D.E.
 27 #88. The parties, hoping the case would soon settle, stipulated to a further continuance until
 28

1 September 10, 2010. *See* D.E. #s 91, 92. The Court, by its own motion, later moved the hearing
2 date a week further until September 17, 2010. *See* D.E. #93.

3 Baker's and DCI's respective principals have reached out to each other to discuss
4 Baker's current status as a franchisee of DCI and a potential resolution of their grievances
5 against each other. The parties' settlement efforts continued between DCI principal Marshall
6 Fisco and Baker's directly and an agreement between the parties has been reached. On
7 September 14, 2010, Mr. Fisco emailed a Settlement Agreement to Baker's which contained the
8 terms Baker's and DCI had agreed to. The parties expect that the Settlement Agreement will be
9 executed within the next week and therefore ask the Court to continue the Case Management
10 Conference one last time.

11 Based on the foregoing, and in the interests of judicial economy, to preserve the parties'
12 resources, and to facilitate the final settlement of this matter, the Parties respectfully request that
13 the Court continue the Initial Case Management Conference from September 17, 2010 at 8:30
14 a.m. to October 9, 2010 at 8:30 a.m.

15 **WHEREFORE**, Plaintiff, BAKER's BOUQUET, INC., and Defendant, DESIGNED
16 COOKIES, INC., respectfully request that this Honorable Court enter an Order: (i) granting the
17 instant Stipulation Continuing Initial Case Management Conference; and (ii) granting such other

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and further relief as this Honorable Court deems just and proper.

Respectfully submitted,

Dated: September 15, 2010

ZARCO EINHORN SALKOWSKI & BRITO, P.A.

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

Dated: September 15, 2010

LOVE & ASSOCIATES

By: /s/ Kristen L. Williams
KRISTEN L. WILLIAMS
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/ Kristen L. Williams
KRISTEN L. WILLIAMS

DECLARATION OF KRISTEN L. WILLIAMS

I, Kristen L. Williams, declare as follows:

1. I am an attorney at law duly admitted to practice before this Court and am an attorney with the law firm of Love & Associates, attorneys of record for Defendant 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 June 29, 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. #86. While the parties had requested that the Case Management Conference be continued from July 2, 2010 at 8:30 a.m. to August 13, 2010 at 8:30 a.m., the Court, in fact, continued the Case Management Conference to August 20, 2010 at 8:30 a.m. *See* D.E. #86. In addition, the Court required the parties to file their Rule 26(f) Report, complete initial disclosures or state objection in Rule 26(f) report and file Case Management Statement by July 30, 2010. *See* D.E. #86.

3. Simultaneous herewith, and consistent with the Court's Order dated June 29, 2010, the sole remaining Plaintiff, Baker's, and DCI filed their Joint Case Management Conference Statement.

4. I am informed and believe that Baker's and DCI's respective principals have made contact with one another and have come to a resolution of their grievances. I am further informed and believe that DCI principal Marshall Fisco emailed a Settlement Agreement containing the terms agreed to by the parties to Baker's on September 14, 2010.

5. Based on the foregoing, and in the interests of judicial economy, to preserve the parties' resources, and to facilitate continued discussions between Baker's and DCI, the Parties respectfully request that the Court continue the Initial Case Management Conference from September 17, 2010 at 8:30 a.m. to **October 9, 2010 at 8:30 a.m.**

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6. This is the fifth (6th) stipulation to modify the schedule set by the Order Setting Initial Case Management Conference And ADR Deadlines [D.E. #3] and the Clerk's Notice dated December 16, 2009 [D.E. #18]. The Parties request the extension not for delay but so that the agreed upon Settlement Agreement can be executed and a dismissal filed by Plaintiff prior to needing involvement from the Court.

I declare under penalty of perjury that the foregoing is true and correct.
Executed this 15th day of September 2010 in Napa, Napa County, California.

By: /s/ Kristen L. Williams
KRISTEN L. WILLIAMS

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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 Initial Case Management Conference shall be continued from September 17, 2010 at 8:30 a.m. to October 15, 2010 at 8:30 a.m.

IT IS SO ORDERED.

Dated: September 16, 2010

