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6 *Attorneys for Defendants*

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 8 **UNITED STATES DISTRICT COURT**  
 9 **NORTHERN DISTRICT OF CALIFORNIA**

11 CATAPHORA, INC., a California corporation,  
 12 Plaintiff,  
 13 v.  
 14 JERROLD SETH PARKER, *et al.*,  
 15 Defendants.

Case No. CV 09 5749 BZ

**STIPULATION RE BRIEFING AND  
 HEARING SCHEDULE ON POST TRIAL  
 MOTIONS; TO STAY EXECUTION OF  
 JUDGMENT; AND PROPOSED ORDER**

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**STIPULATION RE BRIEFING AND HEARING SCHEDULE ON POST TRIAL MOTIONS; TO STAY  
 EXECUTION OF JUDGMENT; AND PROPOSED ORDER**

1 IT IS HEREBY STIPULATED by and between the parties and their respective counsel of  
2 record as follows:

3 Whereas, the jury trial of this matter was held on September 12-16 and on September 19,  
4 2011;

5 Whereas, the jury returned a verdict in favor of Plaintiff and against Defendants on  
6 September 19, 2011 for the sum of \$317,113.00;

7 Whereas the Court entered a judgment in accordance with the jury verdict in favor of Plaintiff  
8 and against Defendants on September 19, 2011, for \$317,113.00;

9 Whereas Plaintiff intends to file a Motion for Attorneys' Fees and Costs and a Motion to  
10 Determine Prejudgment Interest;

11 Whereas Defendants intend to file certain post-trial motions, including Rule 50(b) Motions  
12 for Judgment as a Matter of Law, Motion for New Trial, Motion to Stay Execution of Judgment, and  
13 Motion to Tax Costs;

14 Whereas, Plaintiff's counsel, due to prior commitments, is unavailable for a hearing on these  
15 motions until December 21, 2011;

16 Whereas to give the parties an adequate opportunity to meet and confer regarding these  
17 various motions and to conserve judicial resources, the parties have agreed to extend the deadline  
18 to file the foregoing motions and to extend the briefing schedule as follows:

19 **STIPULATION**

20 The execution of the judgment **shall be stayed** until after the Court rules on the Post-Trial  
21 Motions, including any Rule 50(b) and New Trial Motions, Defendants file pursuant to the deadlines  
22 set forth below.

23 The hearing date on Motion for Plaintiff's Motion for Attorneys' Fees and Costs and Motion  
24 to Determine Prejudgment Interest shall be **December 21, 2011**.

25 The hearing date for Defendants' Post Trial Motions, including Rule 50(b) Motions, Motion  
26 for New Trial, and Motion to Tax Costs will be **December 21, 2011**.

27 Plaintiff will file its Motion for Attorneys' Fees and Costs and Motion to Determine  
28 Prejudgment Interest by **November 2, 2011**.

1 Defendants will file their Opposition to Plaintiff's Motion for Attorneys' Fees and Costs and  
2 Motion to Determine Prejudgment Interest on or before **November 23, 2011.**

3 Plaintiff will file any reply to Defendants' Opposition to Plaintiff's Motion for Attorneys'  
4 Fees and Costs and Motion to Determine Prejudgment Interest on or before **December 2, 2011**  
~~December 7, 2011.~~

5 Defendants will file their Motion to Tax Costs on **November 23, 2011.**

6 Plaintiff will file a response to Defendants' Motion to Tax Costs on or before **December 7,**  
7 **2011.**

8 Defendants will file their Post Trial Motions, including their Rule 50(b) Motions and Motion  
9 for New Trial on or before **November 7, 2011.**  
~~November 11, 2011.~~

10 Plaintiff's Opposition to Defendants' Post Trial Motions will be due on or before ~~December~~  
11 ~~2, 2011.~~ **November 23, 2011.**

12 Defendants' will file any reply briefs to Plaintiff's Opposition to their Post Trial Motions on  
13 or before ~~December 12, 2011.~~ **December 2, 2011.**

14  
15 Dated: September 26, 2011

**COTCHETT, PITRE & McCARTHY, LLP**

17 By: /s/ Niki B. Okcu  
18 NIKI B. OKCU  
*Attorneys for Defendants*

19  
20 *I, Niki B. Okcu, am the ECF User whose ID and password are being used to file this*  
21 *Stipulation and [Proposed] Order. Pursuant to General Order 45, I hereby attest that William W.*  
*Farrer has concurred in this filing.*

22 Dated: September 26, 2011

**LAW OFFICES OF WILLIAM WEBB FARRER**

24 By: /s/ William W. Farrer  
25 WILLIAM W. FARRER  
*Attorneys for Plaintiff*

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~~PROPOSED~~ ORDER

Pursuant to the stipulation of the parties, IT IS SO ORDERED.

Dated: September 28, 2011

  
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THE HONORABLE BERNARD ZIMMERMAN