

1 Richard D. Hoffman (SBN 76799)  
Robert M. Fineman (SBN 188211)  
2 **DUANE MORRIS LLP**  
Spear Tower  
3 One Market Plaza, Suite 2200  
San Francisco, CA 94105-1127  
4 Telephone: 415.957.3000  
Facsimile: 415.957.3001  
5 E-mail: RHoffman@duanemorris.com  
RMFineman@duanemorris.com

6 Attorneys for Defendant  
7 MOSES & SINGER, LLP

8  
9 **IN THE UNITED STATES DISTRICT COURT**  
10 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
11 **SAN FRANCISCO DIVISION**

12  
13 E-PASS TECHNOLOGIES, INC., a Delaware  
Corporation,

14 Plaintiff,

15 v.

16 MOSES & SINGER, LLP, a New York Limited  
17 Partnership; STEPHEN N. WEISS, ESQ., an  
Individual; and DOES 1 through 59, inclusive,

18 Defendants.

Case No.: 3:09-cv-05967-EMC

**JOINT STIPULATION FOR  
FURTHER EXTENDING TIME TO  
FILE AMENDED COMPLAINT AND  
BRIEFING SCHEDULE ON MOTIONS  
ORDER**

Courtroom: 5, 17th Floor

Judge: Hon. Edward M. Chen  
Complaint Filed: December 21, 2009  
Trial Date: February 4, 2013

21 Pursuant to Local Rules 6-1 and 6-2, Plaintiff E-Pass Technologies, Inc. ("E-Pass") and  
22 Defendants Moses & Singer LLP and Stephen N. Weiss (collectively the "Parties"), jointly  
23 stipulate as follows:

24 WHEREAS, the Court issued and filed its Order on the Parties Joint Stipulation For  
25 Extended Time To File Amended Complaint And Briefing Schedule On Motions in this action  
26 on February 8, 2012 (Document No. 138) ("Order");

27 WHEREAS, the Order sets a deadline for the last day for Plaintiff to amend the complaint  
28 on February 14, 2012;

1 WHEREAS, the Order sets a further deadline for the filing of any venue motion by  
2 Defendants and the filing of Plaintiff's motion for partial summary judgment of statute of  
3 limitations issues on February 17, 2012, with a briefing schedule and hearing date on all such  
4 motions set for March 23, 2012;

5 WHEREAS, the Parties seek to further extend the current deadlines for Plaintiff to file any  
6 amended complaint and for the filing, briefing and hearing on any motions that are the subject of  
7 the Order by an additional period of two weeks for each of the deadlines set in the Order so that the  
8 Parties may continue to focus on exploring the informal resolution of the claims in this matter;

9 THEREFORE, the Parties jointly stipulate as follows:

10 The last day for Plaintiff to file any further Amended Complaint in this action shall be  
11 extended from February 14, 2012 to February 28, 2012;

12 The filing deadline for Defendants to file any venue motion and for Plaintiff to file any  
13 motion for partial summary adjudication of the statute of limitations issue shall be extended  
14 from February 17, 2012 to March 2, 2012;

15 The opposition briefs to any venue motion filed by Defendants or motion for partial  
16 summary adjudication of the statute of limitations issue filed by Plaintiff shall be filed on  
17 March 16, 2012;

18 The reply briefs in support of any venue motion filed by Defendants or motion for  
19 partial summary adjudication of the statute of limitations issue filed by Plaintiff shall be filed  
20 on March 23, 2012;

21 The hearing date on any venue motion filed by Defendants or motion for partial  
22 summary adjudication of the statute of limitations issue filed by Plaintiff and further case status  
23 conference shall be continued from March 23, 2012 to April 6, 2012 at 1:30 PM.

24 ///

25 ///

26 ///

27 ///

28 ///

1 Dated: February 14, 2012

**DUANE MORRIS LLP**

2  
3 By: /s/ Richard D. Hoffman

4 Richard D. Hoffman  
5 Robert M. Fineman

6 Attorneys for Defendants  
7 MOSES & SINGER, LLP and

8 Dated: February 14, 2012

**LONG & LEVIT LLP**

9 By: /s/ Jessica MacGregor

10 Joseph McMonigle  
11 Jessica MacGregor  
12 Attorneys for Defendant  
13 STEPHEN N. WEISS, ESQ.

14 Dated: February 14, 2012

**ROSEN SABA, LLP**

15 By: /s/ James R. Rosen

16 James R. Rosen  
17 Ryan L. Saba  
18 Attorneys for Plaintiff  
19 E-PASS TECHNOLOGIES, INC.

1  
2  
3 **[PROPOSED] ORDER**

4 Based on the parties' Joint Stipulation, pursuant to Local Rules 6-1 and 6-2, and good cause  
5 appearing,

6 **IT IS ORDERED** that

7 (1) The last day for Plaintiff to file and serve any further Amended Complaint in  
8 this action shall be extended from February 14, 2012 to February 28, 2012;

9 (2) The filing deadline for Defendants to file and serve any venue motion and for  
10 Plaintiff to file and serve any motion for partial summary adjudication of the statute of  
11 limitations issue shall be extended from February 17, 2012 to March 2, 2012;

12 (3) The opposition briefs to any venue motion filed by Defendants or motion for  
13 partial summary adjudication of the statute of limitations issue filed by Plaintiff shall be filed  
14 and served on March 16, 2012;

15 (4) The reply briefs in support of any venue motion filed by Defendants or motion  
16 for partial summary adjudication of the statute of limitations issue filed by Plaintiff shall be  
17 filed and served on March 23, 2012;

18 (5) The hearing date on any venue motion filed by Defendants or motion for partial  
19 summary adjudication of the statute of limitations issue filed by Plaintiff and further case status  
20 conference shall be continued from March 23, 2012 to April 6, 2012 at 1:30 PM.

21 Dated 2/16/12

