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

12 PURESENSE ENVIRONMENTAL, INC.

13 Plaintiff,

14 vs.

15 INVESTMENT SIGNALS, LLC

16 Defendant.

Case No. C10-00040 JL

**STIPULATION AND [PROPOSED] ORDER
 VACATING HEARING DATE ON
 DEFENDANT'S MOTION TO DISMISS
 AND OTHER CASE MANAGEMENT
 DEADLINES**

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 19 WHEREAS, on January 6, 2010, Plaintiff Puresense Environmental, Inc. ("Plaintiff") filed
 20 the underlying action against Defendant InvestmentSignals, LLC ("Defendant").

21 WHEREAS, on February 22, 2010, Defendant filed a Motion to Dismiss the Complaint. The
 22 hearing on Defendant's Motion to Dismiss, initially scheduled for March 31, 2010, was continued to
 23 April 14, 2010 to allow the parties to engage in settlement discussions.

24 WHEREAS, Plaintiff and Defendant have engaged in such discussions and have agreed upon
 25 the principle terms of a settlement of this matter.
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**STIPULATION AND [PROPOSED] ORDER TO VACATE HEARING DATE ON
 DEFENDANT'S MOTION TO DISMISS AND OTHER CASE MANAGEMENT DEADLINES**

1 WHEREAS, Plaintiff and Defendant seek further relief from certain deadlines in the matter so
2 that they may prepare and enter into a written settlement agreement to resolve the litigation.

3 NOW, THEREFORE, IT IS HEREBY STIPULATED by and between the parties, through
4 their respective counsel of record, that:

5 (1) The April 14, 2010 hearing date on Defendant's Motion to Dismiss shall be vacated.
6 Defendant may resubmit its Motion to Dismiss in the event a written settlement
7 agreement is not signed by the parties within sixty (60) days of the date of this
8 Stipulation. Plaintiff's Opposition to the Motion to Dismiss shall be filed fourteen
9 (14) days in advance of any rescheduled hearing date;

10 (2) The case schedule set forth in the Court's Order Setting Initial Case Management
11 Conference and ADR Deadlines, including the Case Management Conference
12 scheduled for April 14, 2010 shall be vacated. In the event the parties have not
13 entered into a written settlement agreement within sixty (60) days of this Stipulation,
14 the parties shall jointly contact the Court and request a new Case Management
15 Conference date and case management schedule.
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18 DATED: March 24, 2010

19 NIXON PEABODY LLP

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21 By: /s/ Lisa A. Cole
22 Gregory P. O'Hara
23 David B. Ritchie
24 Lisa A. Cole
25 Attorneys for Plaintiff
26 PURESENSE ENVIRONMENTAL
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DATED: March 24, 2010

By: /s/ Robert P. Greenspoon
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INVESTMENT SIGNALS, LLC


ORDER

Based on the foregoing stipulation of counsel and good cause appearing therefore, it is
HEREBY ORDERED that:

- (3) The April 14, 2010 hearing date on Defendant's Motion to Dismiss shall be removed from the Court's calendar. Defendant may resubmit its Motion to Dismiss in the event a written settlement agreement is not signed by the parties within sixty (60) days of the date of this Stipulation. Plaintiff's Opposition to the Motion to Dismiss shall be filed fourteen (14) days in advance of any rescheduled hearing date;
- (4) The case schedule set forth in the Court's Order Setting Initial Case Management Conference and ADR Deadlines, ~~including the Case Management Conference scheduled for April 14, 2010 shall be vacated.~~ In the event the parties have not entered into a written settlement agreement within sixty (60) days of this Stipulation, the parties shall jointly contact the Court and request a new Case Management Conference date and case management schedule. Case management conference continued to June 16, 2010 @ 10:30 a.m.

IT IS SO ORDERED.

DATED: March 24, 2010


Hon. James Larson
United States District Court