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 DOLLAR TREE STORES, INC.

13  
 14 UNITED STATE DISTRICT COURT  
 15 NORTHERN DISTRICT OF CALIFORNIA

16 DOLLAR TREE STORES, INC.,

17 Plaintiff,

18 v.

19 TOYAMA PARTNERS, LLC and  
 20 COMERICA BANK,

21 Defendants.

Case No. CV-10-0325 SI

**STIPULATION AND ORDER TO  
 EXTEND DATE FOR AMENDMENT OF  
 PLEADINGS**

Department: 10  
 Judge: Honorable Susan Illston

Complaint filed: January 22, 2010  
 Trial Date: June 13, 2011

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 24 Plaintiff Dollar Tree Stores, Inc. ("Dollar Tree") and Defendant Toyama Partners, LLC  
 25 ("Toyama"), (collectively, the "Parties"), by their undersigned counsel, file the following  
 26 Stipulation and Order to Extend Date for Amendment of Pleadings, stating as follows:  
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1 1. Pursuant to a Stipulation to Extend Discovery, Amend Pretrial Preparation Order Dates,  
2 and Amend Trial Date, entered by the Court on November 2, 2010 (Dkt. No. 95), the deadline for  
3 amending pleadings is January 14, 2011.

4 2. On December 1, 2010, the Court issued an Order re: Discovery, which directed the parties  
5 to meet and confer regarding a number of disputes, including the scheduling of depositions of  
6 Toyama witnesses. The Order stated, in part, "if the status of discovery requires a modification  
7 of the existing pretrial schedule, all counsel are directed to meet and confer and submit a  
8 proposed stipulation and order setting forth a modified pretrial schedule."

9 3. Due to various factors, including scheduling conflicts, travel requirements for Dollar  
10 Tree's out-of-state counsel, and the desire to schedule the depositions on consecutive days, the  
11 parties were not able to schedule the depositions of Toyama's Rule 30(b)(6) designees and its  
12 manager until January 19 through 21, 2011.

13 4. Dollar Tree believes that it requires the testimony of these deponents in order to evaluate  
14 anticipated amendments to its Amended Complaint.

15 5. The Parties have conferred and stipulated that the date for amending pleadings be set for  
16 two weeks following the conclusion of Mr. Pau's deposition, *i.e.*, February 4, 2011:

17 AMENDMENT OF PLEADINGS: February 4, 2011.

18 6. No other modifications of the November 2, 2010 Stipulation and Order to Extend  
19 Discovery, Amend Pretrial Preparation Order Dates, and Amend Trial Date are requested.

20 For the foregoing reasons, the Parties respectfully request that the Court grant their  
21 Stipulation and Order to Extend Date for Amendment of Pleadings.

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23 DATED: December 22, 2010

FOX ROTHSCHILD, LLP  
HOFHEIMER GARTLIR & GROSS, LLP

/s/ David F. Faustman

DAVID F. FAUSTMAN  
Attorneys for Plaintiff  
DOLLAR TREE STORES, INC.

24  
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26  
27 DATED: December 22, 2010

REHON & ROBERTS

/s/ Lisa C. Roberts

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LISA C. ROBERTS  
Attorneys for Defendant  
TOYAMA PARTNERS, LLC

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PURSUANT TO STIPULATION, IT IS SO ORDERED:



\_\_\_\_\_  
The Honorable Susan Illston  
U.S. District Court Judge  
Northern District of California

Dated: \_\_\_\_\_, 2010