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Attorneys for Attorneys for Defendants and  
 Counterclaimants TOYAMA PARTNERS,  
 LLC; PETER PAU d/b/a SAND HILL  
 PROPERTY COMPANY, a sole  
 proprietorship; PETER PAU, in his individual  
 capacity and as partner of SAND HILL  
 PROPERTY MANAGEMENT COMPANY;  
 SUSANNA PAU, in her capacity as partner of  
 SAND HILL PROPERTY MANAGEMENT  
 COMPANY; SAND HILL PROPERTY  
 MANAGEMENT COMPANY, and  
 CAPELLA-MOWRY, LLC.

12 UNITED STATES DISTRICT COURT  
 13  
 14 NORTHERN DISTRICT OF CALIFORNIA

15 DOLLAR TREE STORES, INC.,  
 16  
 17 Plaintiff,

18 v.

19 TOYAMA PARTNERS, LLC; PETER PAU  
 d/b/a SAND HILL PROPERTY COMPANY,  
 20 a sole proprietorship; PETER PAU, in his  
 individual capacity and as partner of SAND  
 21 HILL PROPERTY MANAGEMENT  
 COMPANY; SUSANNA PAU, in her  
 22 capacity as partner of SAND HILL  
 PROPERTY MANAGEMENT COMPANY;  
 23 SAND HILL PROPERTY MANAGEMENT  
 COMPANY, and CAPELLA-MOWRY,  
 24 LLC,  
 25  
 26 Defendants.

**STIPULATION TO RESCHEDULE  
 PRETRIAL CONFERENCE AND SET A  
 NEW DATE FOR TRIAL**

Judge: Honorable Susan Illston  
 Case No. CV-10-0325 SI

Complaint filed: January 22, 2010  
 Trial Date: February 6, 2012

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 28 STIPULATION TO RESCHEDULE PRETRIAL CONFERENCE  
 AND SET A NEW DATE FOR TRIAL

CASE NO: CV-10-0325 SI

1 Plaintiff Dollar Tree Stores, Inc. (“Dollar Tree”) and Defendants Toyama Partners, LLC  
2 (“Toyama”), Peter Pau individually and d/b/a Sand Hill Property Company (“Pau”), Susanna Pau  
3 (“Ms. Pau”), Sand Hill Property Management Company (“SH Management”), and Capella-  
4 Mowry, LLC (“Capella”) (collectively, “Defendants” and, with Dollar Tree, the “Parties”), by  
5 their undersigned counsel, file the following Stipulation to Reschedule Pretrial Conference and  
6 Set a New Date for Trial (“Stipulation”), stating as follows:

7 1. Currently, the Pretrial Conference in the above-captioned litigation is scheduled  
8 for January 24, 2012, and trial is set to begin on February 6, 2012. *See* Dkt. No. 337. Pursuant  
9 to the Court’s Pretrial Instructions, a number of pretrial submissions are due January 10, 2012,  
10 including, *inter alia*, the Pretrial Conference Statement, Proposed Jury Instructions, and  
11 Motions in Limine. *See* Dkt. No. 280-1.

12 2. On December 13, 2011, a Clerk’s Notice was issued rescheduling both (i)  
13 argument on the Parties’ cross-motions for summary judgment and (ii) a case management  
14 conference from December 16, 2011 until January 13, 2012. *See* Dkt. No. 421. January 13,  
15 2012 is three days after the pretrial submissions listed above are due, and eleven days before the  
16 Pretrial Conference is set to occur.

17 3. In order to avoid having to prepare pretrial submissions that may be mooted in  
18 whole or in part by this Court’s decisions on the Parties’ cross-motions for summary judgment,  
19 the Parties request that the Pretrial Conference be rescheduled to no earlier than February 27,  
20 2012 and the trial be rescheduled to begin no earlier than March 12, 2012, but preferably no  
21 later than April 30, 2012.

22 For the foregoing reasons, the Parties respectfully request that the Court grant this  
23 Stipulation, rescheduling the Pretrial Conference and the start of trial in the above captioned  
24 litigation.

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Dated: December 16, 2011	s/ Jay D. Marinstein Jay D. Marinstein (Admitted <i>Pro Hac Vice</i> ) FOX ROTHSCHILD LLP Attorney for Plaintiff, Dollar Tree Stores, Inc.
Dated: December 16, 2011	s/ Peter M. Rehon Peter M. Rehon REHON & ROBERTS Attorneys for Defendants and Counterclaimants TOYAMA PARTNERS, LLC; PETER PAU d/b/a SAND HILL PROPERTY COMPANY, a sole proprietorship; PETER PAU, in his individual capacity and as partner of SAND HILL PROPERTY MANAGEMENT COMPANY; SUSANNA PAU, in her capacity as partner of SAND HILL PROPERTY MANAGEMENT COMPANY; SAND HILL PROPERTY MANAGEMENT COMPANY, and CAPELLA-MOWRY, LLC.

**ORDER**

The Court, having considered the foregoing, and good cause appearing therefore, it is hereby ordered that:

1. The pretrial conference, currently scheduled for January 24, 2012, is hereby continued to 4/3/12, \_\_, 2012, at 3:30 a.m./p.m.;  
 (Pretrial Submissions due 3/20, \_\_, 2012, pursuant to the Pretrial Instructions at Dkt. No. 280-1)

2. The trial, currently scheduled to begin February 6, 2012, is hereby continued to 4/16/12, \_\_, 2012, at 8:30 a.m./p.m.

PURSUANT TO STIPULATION, IT IS SO ORDERED:



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