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 COMERICA BANK

9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA

11 DOLLAR TREE STORES, INC.,
 12 Plaintiff,
 13 v.
 14 TOYAMA PARTNERS, LLC and
 15 COMERICA BANK,
 16 Defendants.

Case No. CV 10-0325 SI

**STIPULATION AND [PROPOSED]
 ORDER EXTENDING TIME FOR
 DEFENDANT COMERICA BANK'S
 RESPONSIVE PLEADING TO
 PLAINTIFF'S FIRST AMENDED
 COMPLAINT**

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 19 Complaint filed: January 22, 2010
 Trial date: June 13, 2011

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BN 6233785v2

1 Plaintiff Dollar Tree Stores, Inc. (“Plaintiff” or “Dollar Tree”) and defendants Comerica
2 Bank (“Comerica”) and Toyama Partners, LLC (“Toyama”) (collectively, “Defendants”) (each a
3 “Party” and collectively the “Parties”), by and through their respective counsel of record, hereby
4 stipulate and agree as follows:

5 **RECITALS**

6 1. On May 10, 2010, Plaintiff filed and served its First Amended and Verified
7 Complaint for Damages and Declaratory Relief, Breach of Contract, Tortious Interference and
8 Unfair Competition (“First Amended Complaint”) in this action.

9 2. Pursuant to Fed.R.Civ.P. 6(d) and 15(a)(3), Comerica’s response to the First
10 Amended Complaint is currently due May 27, 2010.

11 3. Pursuant to the Court’s Pretrial Preparation Order, filed May 10, 2010, a hearing
12 date of July 30, 2010 has been reserved for the hearing of any motion to dismiss the First
13 Amended Complaint filed by Comerica.

14 4. Comerica’s lead counsel, Peter G. Bertrand, Esq., has been diagnosed with
15 pneumonia and will be unable to work or to participate in Comerica’s defense in this action for an
16 indeterminate amount of time of at least several weeks.

17 5. In light of the foregoing, the Parties believe that it would be in the interests of the
18 Court and all of the Parties to extend the date for the filing of Comerica’s responsive pleading to
19 the First Amended Complaint to June 18, 2010 and to schedule the briefing on any motion to
20 dismiss the First Amended Complaint filed by Comerica as set forth below.

21 6. Pursuant to Civil L.R. 6-1(b) and 6-2, the request for enlargement of time
22 stipulated to herein involves papers required to be filed or lodged with the Court other than an
23 initial response to the complaint. Other than with respect to the date of filing of Comerica’s
24 responsive pleading to the First Amended Complaint the enlargement of time stipulated to herein
25 will have no effect on the schedule for this case.

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Dated: May 21, 2010

REHON & ROBERTS, APC

/s/ Lisa C. Roberts

LISA C. ROBERTS
Attorneys for Defendant
TOYAMA PARTNERS, LLC

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ORDER

Pursuant to the Stipulation above, **IT IS SO ORDERED.**



DATED: May __, 2010

Susan Illston
Judge of the United States District Court