

1 Lisa C. Roberts (SBN 111982)
 Tyler J. Olson (SBN 220796)
 2 REHON & ROBERTS
 A Professional Corporation
 3 830 The Alameda
 San Jose, CA 95126
 4 Telephone: (408) 494-0900
 Facsimile: (408) 494-0909

5 Attorneys for Defendant
 6 TOYAMA PARTNERS, LLC

7
 8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA

10
 11 DOLLAR TREE STORES, INC.,

12 Plaintiff,

13 v.

14 TOYAMA PARTNERS, LLC and
 15 COMERICA BANK,

16 Defendants.

Case No. CV 10 0325 MEJ

**STIPULATION AND [PROPOSED] ORDER
 EXTENDING TIME FOR DEFENDANT
 TOYAMA PARTNERS, LLC ANSWER TO
 PLAINTIFF'S FIRST AMENDED
 COMPLAINT**

17 Plaintiff Dollar Tree Stores, Inc. (Plaintiff or Dollar Tree) and Defendants Comerica
 18 Bank (Comerica) and Toyama Partners, LLC (Toyama) (collectively, Defendants) (each a
 19 Party and collectively the Parties), by and through their respective counsel of record, hereby
 20 stipulate and agree as follows:

21 **RECITALS**

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

25 2. Pursuant to Fed.R.Civ.P. 6(d) and 15(a)(3), Toyama's response to the First
 26 Amended Complaint is currently due May 27, 2010.

1 3. An employee of Toyama with knowledge necessary for the preparation of
2 Toyama's answer to the First Amended Complaint will be on vacation until June 1, 2010.

3 4. In light of the foregoing, the Parties believe that it would be in the interests of the
4 Court and all of the Parties to extend the date for the filing of Toyama's responsive pleading to
5 the First Amended Complaint to June 2, 2010.

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

11 6. Defendant Toyama agrees that it will not seek a further enlargement to file an
12 Answer to Plaintiff's First Amended Complaint.

13 7. By Stipulation dated February 11, 2010 and by Second Stipulation dated March 1,
14 2010 and Order filed March 10, 2010, the time for Defendant Toyama to file an Answer to
15 Plaintiff's Complaint was extended to March 9, 2010. Defendant Comerica has filed a stipulation
16 dated May 21, 2010 to extend its time to file its responsive pleading to June 18, 2010, and the
17 stipulation is pending before the Court.

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STIPULATION

WHEREFORE, the Parties, by and through their counsel of record, hereby stipulate and agree as follows:

1. Toyama’s answer to Plaintiff’s First Amended Complaint shall be served and filed on or before June 2, 1010 by electronic means in compliance with Civil L.R. 5-4 and 5-5b.

DATED: May 27, 2010

FOX ROTHSCHILD LLP

By: Jay D. Marinstein /s/
JAY D. MARINSTEIN
Attorneys for Plaintiff
DOLLAR TREE STORES, INC.

DATED: May 27, 2010

REHON & ROBERTS
A Professional Corporation

By: Lisa C. Roberts /s/
Lisa C. Roberts
Attorneys for Defendant
TOYAMA PARTNERS, LLC

DATED: May 27, 2010

BUCHALTER NEMER
A Professional Corporation

By: Julian W. Mack /s/
JULIAN W. MACK
Attorneys for Defendant
COMERICA BANK

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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