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Attorneys for Plaintiff  
 HALTON CO.

17 UNITED STATES DISTRICT COURT  
 18 FOR THE NORTHERN DISTRICT OF CALIFORNIA

20 HALTON, CO.,  
 21 Plaintiff,  
 22 v.  
 23 STREIVOR, INC.,  
 24 Defendant.

Case No. C 10-00655 WHA  
**STIPULATION AND ORDER  
 CHANGING HEARING DATE ON  
 STREIVOR'S MOTION TO DISMISS  
 TO MAY 27 AT 8:00 A.M.**

Date: May 20, 2010  
 Time: 8:00 a.m.  
 Courtroom: 9, 19<sup>th</sup> Floor

The Honorable William H. Alsup

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Pursuant to L.R. 6-1(b) and L.R. 6-2, Plaintiff Halton Co. (“Halton”) and Defendant Streivor, Inc. (“Streivor”) stipulate and agree to change the hearing date on Streivor, Inc.’s Motion to Dismiss The Complaint Under Fed. R. Civ. P. 12(b)(6) Or, In the Alternative, Motion For A More Definite Statement Under Fed. R. Civ. P. 12(e) (“Streivor’s Motion to Dismiss”) filed April 9, 2010. (Document Number 19).

**STIPULATION**

WHEREAS, Streivor’s Motion to Dismiss was filed on April 9, 2010 and set a hearing date for May 20, 2010 at 8:00 a.m. to be heard by the Honorable William Alsup;

WHEREAS, counsel for Streivor is unavailable to attend the hearing as noticed on May 20, 2010 due to a conflict with another proceeding;

WHEREAS, the Court has set a case management conference for May 27, 2010 at 11:00 a.m.;

WHEREAS, at the request of Streivor, Halton and Streivor stipulate and agree that the hearing on Streivor’s Motion to Dismiss should occur concurrently with the case management conference on May 27, 2010 at 11:00 a.m., or at another time that day the Court deems appropriate;

WHEREAS, the parties only previous extension of time relating to this case was a stipulation between the parties extending the time for Streivor to respond to Halton’s complaint from March 11, 2010 to April 9, 2010 (Document Number 12);

WHEREAS, the extension of this time will not alter any other deadline or date already fixed by the Court;

ACCORDINGLY, Halton and Streivor hereby stipulate to moving the hearing on Streivor’s Motion to Dismiss to occur concurrently with the case management conference on May 27, 2010 at 11:00 a.m., or at another time that day the Court deems appropriate.

1 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD:

2 DATED: May 6, 2010

Respectfully submitted,

3 TOWNSEND AND TOWNSEND AND CREW LLP

4 By: /s/ David Schnapf

5 David Schnapf  
6 Jon V. Swenson  
7 G. Ross Allen

8 Attorneys for Defendant  
9 STREIVOR, INC.

10 DATED: May 6, 2010

Respectfully submitted,

11 MILES & STOCKBRIDGE P.C.

12 By: /s/ Kurt C. Rommel

13 Kurt C. Rommel  
14 J. Douglas Cuthbertson  
15 Abby C. Denham  
16 D. Margeaux Witherspoon

17 Attorneys for Plaintiff  
18 HALTON CO.

19 Pursuant to stipulation, the hearing on the pending motion to dismiss is hereby continued to  
20 8:00 a.m. on May 27, 2010.

21 **IT IS SO ORDERED.**

22 DATED: May 7, 2010

By: \_\_\_\_\_

23 THE HONORABLE \_\_\_\_\_ JP  
24 United States

