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7
 8 UNITED STATES DISTRICT COURT
 9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 LEVI STRAUSS & CO.,
 12 Plaintiff,
 13 v.
 14 ELGIN CLOTHING INC.,
 15 Defendant.

Case No. CV 10-03529-WHA

**STIPULATION AND ~~PROPOSED~~
 ORDER CONTINUING HEARING DATE
 ON DEFENDANT ELGIN CLOTHING
 INC.'S MOTION TO DISMISS OR
 TRANSFER AND INITIAL CASE
 MANAGEMENT CONFERENCE**

**CMC Date: Nov. 18, 2010
 CMC Time: 11:00 a.m.**

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 20 Plaintiff Levi Strauss & Co. ("LS&Co.") filed this action on August 11, 2010. By order dated
 21 September 22, 2010, this Court scheduled the Initial Case Management Conference for November 18,
 22 2010, at 11:00 a.m.

23 On October 4, 2010, defendant Elgin Clothing Inc. ("Elgin") filed a Motion to Dismiss for
 24 Improper Venue, or in the Alternative, Motion to Transfer Venue. Elgin set the motion for hearing on
 25 November 18, 2010, at 8:00 a.m. The motion was accompanied by an affidavit from Rasheed Khan,
 26 the "authorized agent" for Elgin. Elgin's motion asserts, based on Mr. Khan's affidavit, that venue is
 27 not proper in this Court.

1 In order to allow LS&Co. to respond appropriately to Elgin's motion, the parties have agreed
2 that LS&Co. will take discovery, including the depositions of Mr. Khan and of Elgin pursuant to Fed.
3 R. Civ. P. 30(b)(6). Those depositions have been tentatively scheduled for November 8, 2010.

4 Accordingly, in order to allow time for the necessary discovery and for the parties to complete
5 briefing on Elgin's motion, the parties hereby stipulate and agree that the hearing on Elgin's motion to
6 dismiss or transfer shall be continued to December 9, 2010, at 8:00 a.m.

7 In addition, in order to conserve resources since Elgin's primary counsel is located in Illinois,
8 the parties further stipulate and agree that the initial Case Management Conference in this matter shall
9 be continued to the same date, December 9, 2010, at 11:00 a.m.

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11 DATED: October 22, 2010

TOWNSEND AND TOWNSEND AND CREW LLP

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13 By: /s/ Gia L. Cincone
14 Gia L. Cincone
Attorneys for Plaintiff LEVI STRAUSS & CO.

15 DATED: October 22, 2010

THE LAW OFFICES OF ANTHONY SASSAN

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17 By: /s/ Anthony Sassan
18 Anthony Sassan
Attorneys for Defendant ELGIN CLOTHING INC.

19 IT IS SO ORDERED.

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21 DATED: October 25, 2010


22 Hon. William Alsup
United States District Judge

23
24 62951178 v1

1 CERTIFICATE OF SERVICE

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3 I hereby certify that on October 22, 2010, a true and correct copy of the foregoing

4 **STIPULATION AND [PROPOSED] ORDER CONTINUING HEARING DATE ON**

5 **DEFENDANT ELGIN CLOTHING INC.'S MOTION TO DISMISS OR TRANSFER AND**

6 **INITIAL CASE MANAGEMENT CONFERENCE** was filed electronically with the Clerk of

7 the Court using CM/ECF System. Notice of this filing will be sent by operation of the Court's

8 electronic filing system to all parties indicated on the electronic filing receipt. Parties may access

9 this filing through the Court's electronic filing system.

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11 By: /s/Victoria E. Hopper

12 Victoria E. Hopper

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